

they were the four great oil companies. I replied, mincing no words or language, that the four arguments for the tariff rates in this bill are coal and oil and lumber and copper.

I have never traded a vote in this body for the vote of a single Senator for a single item affecting my State; and I would walk out of the Senate to-night, never to enter its doors again, rather than trade my vote to procure a grant of special privilege for a single industry within my State. But, if the Senator from Louisiana can gather comfort or consolation from that unholy alliance and combination of which he is a part, he is quite welcome to that consolation.

Of these four items in the bill, half of them—copper and lumber—represent important industries in my State. Appeals have been made to me to support those industries. I have said that when the credit of the country was at stake, I would not inject these tariff items into the tax bill. I have never said that we could not properly include them in a tariff bill. But I question the wisdom even of the Senator from Louisiana when he holds his hands at the throat of the Nation itself, now in need of revenue, and demands special privileges for the industries of his State as the price of an adequate revenue bill for the relief of his country.

Now, if the Senator from Louisiana wishes to produce my record hereafter, he may do so; or if he wishes to lecture me, he may do so. I have no unkind feeling for him. I have gone on here in the way that seemed to me fitting and proper and presented my views. I always have presented them seriously. I never have fought a sham battle and I never will. My State may demand special privileges, and it does need help from any worthy source; but I will not stand here when I realize the dire distress of this country—a condition which my party has not created, but that is not involved—and insist upon such special privilege or even the consideration of a measure that might under other conditions and circumstances be just and proper and thereby delay the enactment of the tax bill. That, Mr. President, is the head and front of my offending.

Mr. President, I am entirely indifferent to buffoonery and clownishness wherever it appears. Let me caution—or, if I may put it the other way—let me admonish the Senator from Louisiana that he may serve his country well if he will leave to the Senators on the other side of this Chamber—the party whose President has converted the Treasury of the United States not only into a community chest but into an empty community chest—to offer their own defense at the bar of public opinion in this country.

I come back to the words that I uttered a while ago—that it has seemed to me for more than 20 months that no public man could afford to indulge in idle generalities, in meaningless language. I again assert that the election made by the party in power in the Senate, whoever is responsible for the form in which the bill found itself when it reached the Senate, has made clear my course, and that is to vote for the 1918 rates and against every excise tax in the bill.

If we are to give to coal and to copper and to lumber and to oil a privilege, not for the enrichment of the Treasury—because at most only an incidental benefit can flow to the Treasury—but a privilege for their own enrichment, whether deserved or undeserved, then I shall elect to stand upon my rights and vote for a tax bill which my judgment approves.

Mr. President, I beg the pardon of the Senate for having spoken again. I would not have done so but for the fact that the Senator from Louisiana, following a Senator as he tries to do his duty with what he pleases to call the record of the Senator, rising upon this floor endeavoring to embarrass, without the slightest sense of courtesy—I was about to say decency—seemed to make it necessary that at least I resent that sort of conduct, and that I defend myself against that sort of insinuation and insult.

Mr. LONG. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Louisiana?

Mr. GEORGE. I yield.

Mr. LONG. I am sure the Senator did not object to my reading the record. What is it that I have said that he objects to? I am unconscious of anything except having read that record.

Mr. GEORGE. I do not object to the Senator having read my record. I have never objected to that. But if the Senator is unconscious of what he has done, he confirms, without more from me, what I have said about him. He is utterly lacking in the sensibilities which usually characterize the intercourse between men in this body.

Mr. DILL obtained the floor.

Mr. SMOOT. Mr. President—

Mr. DILL. Does the Senator from Utah want to go on to-night?

SEVERAL SENATORS. Vote! Vote!

Mr. HARRISON. Mr. President—

The VICE PRESIDENT. The Senator from Washington has the floor.

Mr. DILL. I merely yielded to the Senator from Utah to learn whether he wanted to take a recess. If so, I do not care to speak to-night.

Mr. SMOOT. I know of about four more speeches to be made upon the subject. It is now after 10 o'clock. I think perhaps it would be just as well to take a recess now, but if there is objection I shall not make that motion.

Mr. DILL. I am perfectly willing to do so.

Mr. SMOOT. I have already secured unanimous consent that when we conclude our business to-day, we shall recess until 11 o'clock to-morrow.

Mr. WALSH of Massachusetts. Mr. President, there has been no argument advanced by members of the committee who filed a protest against the bill. Are we not going to have a chance? I hope the Senator will move a recess at this time.

Mr. SMOOT. I am perfectly willing to do so, and if there is no objection that is what I shall ask the Senate now to do.

Mr. President, in conformity with the unanimous-consent agreement previously entered into, I move that the Senate take a recess until 11 o'clock to-morrow morning.

Mr. HARRISON. Mr. President, before the question is put let me say that I had understood that we were going to recess until 10 o'clock to-morrow morning.

Mr. SMOOT. I tried to get an agreement to recess until 10 o'clock, and to have an early adjournment in the afternoon, but it was impossible to secure it.

Mr. HARRISON. It was impossible to reach such an agreement?

Mr. SMOOT. It was. I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and the Senate (at 10 o'clock and 15 minutes p. m.), under the order previously entered, took a recess until to-morrow, Saturday, May 21, 1932, at 11 o'clock a. m.

## HOUSE OF REPRESENTATIVES

FRIDAY, MAY 20, 1932

The House met at 12 o'clock noon.

Rabbi R. B. Hershon, of Temple Beth El, Asbury Park, N. J., offered the following prayer:

Almighty God, frail humanity stands bewildered in this great confusion which has covered the face of the earth. Prostrated before this untoward desolation of peace and confused by the colossal problems of the day they know not whither to turn. Man, who has vainly tried to pyramid gigantic power and derisively challenged the prophetic dictum to love mercy, to pursue justice, and to walk humbly with thy God, stands like a beggar with his cap in his hand at Thy throne, O God, seeking now Thy protection and imploring Thy guidance.

Upon these blessed United States and this august assembly a major proportion of this world's responsibility fate seems



to have placed, to give succor to the needy, aid to the weary, help to the stricken, and hope to the world.

Bless us, then, O God, that the deliberations and the convocations of this House may be forever guided by Thy wisdom, and that from the lips of those whose voices reverberate in these Halls may there always come an echo of humility and prayer. For the purest offering of prayer is that which springs from our sympathy with the afflicted and our compassion with the downtrodden. Free from all selfish motives it inspires the love of our fellow men and sanctifies the purposes for which we strive. As the sweet singer of Israel saith, "The Lord is my portion, saith my soul; therefore will I hope in Him."

So be with us, O God, this day and evermore. We ask this in Thy own name, O Heavenly Father. Amen. Amen.

The Journal of the proceedings of yesterday was read and approved.

GOV. CHARLES B. AYCOCK

Mr. WARREN. Mr. Speaker, I would like to make a brief statement. I am requested by the Governor of North Carolina and the Aycock Statue Commission to invite the Members of the House to attend the exercises this afternoon in Statuary Hall at 3 o'clock, when North Carolina will present to the United States a statue of former Gov. Charles B. Aycock.

ELIZABETH D. HARTNEY

Mr. WARREN. Mr. Speaker, I offer a privileged resolution from the Committee on Accounts.

The SPEAKER. The gentleman from North Carolina offers a resolution, which the Clerk will report.

The Clerk read as follows:

#### House Resolution 216

*Resolved*, That there shall be paid out of the contingent fund of the House to Elizabeth D. Hartney, widow of Benson B. Hartney, late an employee of the House, an amount equal to six months' compensation and an additional amount, not exceeding \$250, to defray funeral expenses of the said Benson D. Hartney.

The resolution was agreed to.

#### PAY-ROLL RECORDS OF THE HOUSE OF REPRESENTATIVES

Mr. WARREN. Mr. Speaker, I call up House Resolution 227, to authorize public inspection of pay-roll records of the disbursing officer of the House of Representatives and ask unanimous consent for its immediate consideration.

The SPEAKER. The gentleman from North Carolina calls up a resolution, which the Clerk will report.

The Clerk read as follows:

#### House Resolution 227

*Resolved*, That the Clerk of the House of Representatives is hereby authorized and directed to keep open for public inspection the pay-roll records of the disbursing officer of the House of Representatives.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I did not grasp what the resolution is. May we have it again reported?

The SPEAKER. Without objection, the resolution will again be reported.

There was no objection.

The Clerk again read the resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

#### CALL OF THE HOUSE

Mr. GOSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently there is no quorum present.

Mr. BANKHEAD. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 80]

Abernethy	Corning	Igoe	Reld, Ill.
Allgood	Crowther	Jenkins	Robinson
Auf der Heide	Curry	Johnson, Ill.	Seiberling
Bacon	Davenport	Johnson, Wash.	Shallenberger
Baldrige	Dickstein	Karch	Shannon
Beck	Douglas, Ariz.	Kendall	Shreve
Beedy	Doutrich	Kennedy	Simmons
Bloom	Drane	Lamneck	Sirovich
Bohn	Dyer	Lea	Stokes
Boyian	Erk	Lehlbach	Strong, Kans.
Britten	Eslick	Lewis	Sullivan, N. Y.
Browning	Estep	Lindsay	Sullivan, Pa.
Bulwinkle	Flesinger	McDuffie	Tucker
Burdick	Freeman	Mitchell	Vinson, Ga.
Cary	Gibson	Mouser	Watson
Celler	Gifford	Murphy	Welsh, Pa.
Chapman	Golder	Nelson, Wis.	Withrow
Chase	Goldsborough	Norton, N. J.	Wood, Ind.
Clark, N. C.	Granfield	Oliver, N. Y.	Yon
Collier	Hall, Miss.	Owen	
Connery	Hoch	Perkins	
Cooke	Hollister	Ragon	

The SPEAKER. Three hundred and forty-six Members have answered to their names; a quorum is present.

Mr. COX. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

#### THE PRESENT ECONOMIC SITUATION

Mr. CRISP. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by inserting therein a radio speech delivered by me last evening.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. CRISP. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following speech delivered by me over the radio on Thursday evening, May 19:

For 10 years past the Republican Party controlled all branches of the Federal Government. Under legislation for which they are responsible less than 10 per cent of our people own 90 per cent of the wealth of our country—a calamitous condition for any nation. High tariff laws are principally responsible.

Nothing has contributed more to the economic undoing of the world than the Smoot-Hawley tariff bill, which has caused retaliatory tariffs to be levied against us by foreign countries, thus destroying our export market for cotton and other agricultural and industrial products. With our foreign market destroyed and these commodities selling below the cost of production, our agricultural interests are bankrupt and the purchasing power of 30,000,000 people destroyed, inevitably affecting every industry. With the retaliatory tariffs against us, if we alone should now reduce our tariffs without some concession from foreign nations, our economic plight might be made worse. Seeking to correct this evil, the Democratic House passed a tariff bill requesting the President to call an international conference with leading nations of the world to consider reciprocal tariff agreements. Such a law should help the situation, but the President vetoed it.

In my judgment, there can be no complete economic recovery until there is an increase in the price of basic commodities. To bring this about it is essential that there be some sound expansion of the currency and bank credits to stabilize the purchasing power of the dollar, now abnormally high as to its purchasing power as applied to agricultural commodities. The purchasing power of the dollar must be stabilized based on the average prices of commodities for the years 1921 to 1929. This would make cotton to-day worth above 15 cents a pound, wheat over \$1 per bushel, and hogs 10 cents per pound. A debt contracted two years ago by the farmer who could produce ten bales of cotton, ample at that time to liquidate the debt, would require twenty-eight bales today to liquidate the debt. A debt contracted by the farmer even last year based on the belief that his production of ten bales of cotton would pay the debt will require twenty bales today to pay it. The same is true as to the wheat producer and every other individual who has contracted debts. Congress must find some solution to this problem. In my judgment, there must be some expansion of the circulating medium to meet the situation. The Democratic House has passed a law known as the Goldsborough stabilization law, which directs the Federal Reserve Board to expand currency sufficiently to bring this about.

The Federal Reserve Board, admittedly, under the law can expand currency \$5,000,000,000, amply secured by eligible discount paper plus 40 per cent gold reserve, insuring the stability of the American dollar on the gold standard. It is the duty of the President to require the Federal Reserve Board to do this, as he has the power to remove from office the members of the board if they do not act. Nothing will benefit the masses more than such a policy, and I am earnestly advocating it.

It is deplorable that in the last two years the Government has spent over \$3,000,000,000 more than its revenues. It is daily spending \$7,000,000 more than its receipts. The Republican Party is responsible for this deficit. The Constitution of the United States



places the duty upon the House of Representatives to levy taxes to pay the debts of the United States. In this critical national emergency it is indefensible to place partisanship above the country's welfare. Realizing, of course, the unpopularity of levying taxes, nevertheless the Democratic House of Representatives measured up to its constitutional responsibility and passed a tax bill that would balance the Budget, based on the assumption that there should also be at least \$200,000,000 reduction in Government expenditures. The bill is now pending in the Senate.

Personally I believe a \$4,000,000,000 Budget in peace time is excessive, burdensome, confiscatory, and destructive of love of Government, and that it should be reduced at least five hundred millions. To accomplish this, overlapping activities in the various bureaus should be eliminated, useless expensive boards and commissions abolished, governmental expenditures cut to the bone, and salaries from the highest to those affording a minimum wage reduced—and this Democratic House has passed a bill reducing by 11 per cent salaries over \$2,500, including, of course, those of Congressmen, whose salaries are reduced \$825 per year. I voted to reduce all salaries of over \$1,000, but a majority voted against it. I regret the emasculation of the recent economy bill in the House, but some of the items eliminated were controversial both as regards the efficiency of our national security and as to actually effecting economy, for example, the consolidation of the Army and Navy. The bill as passed is estimated to save \$42,000,000 directly and many millions indirectly. It also confers upon the President the power—subject to veto by Congress within 60 days—to consolidate and abolish bureaus.

My friends, do not believe these are the only savings effected by this Congress. The supply bills as passed by the House were reduced a hundred and sixty-six millions below the President's recommendations for appropriations, and the Senate is still further reducing them. All reductions to date below the President's recommendations total over two hundred and sixteen millions, and they should and I am hoping they will reach two hundred and fifty to three hundred and fifty millions of dollars. The appropriations passed by this Congress, taking into account cuts made by the President in his Budget recommendations, are about six hundred millions below appropriations for similar objects for the current fiscal year. If further substantial reductions are to be made in governmental expenditures, no new large appropriations can be authorized. It may interest you to know that 25 cents out of every dollar spent by the Government goes to the veterans in the way of hospitalization, compensation, insurance, etc., and another 25 cents goes for interest on the national debt and its retirement. Thus 50 cents out of every dollar, or \$2,000,000,000 yearly, or half of our total Budget, is chargeable to war. All agree that it is the bounden duty of the Government to care for its disabled heroes and their dependents. Is not the Government measuring up to this sacred duty? The Ways and Means Committee has decided adversely as to the immediate payment of the adjusted-service certificates, which, if paid now, would cost the Government about two billions four hundred millions more than was originally contemplated when the law was passed in 1925.

The condition of the Treasury and the tax burdens resting upon the people, in my judgment, prevent payment to our brave veterans of this colossal sum at this time. I will not vote for it. The people demand that Government extravagances cease and that taxes be reduced, and I am in perfect accord with them.

To-day organized minorities control legislation. The only way to remedy this is for the unorganized masses of the people to become aroused, take an interest in elections, and support actively those candidates who are seeking to serve them. The preservation of the people's interest, if not their self-preservation, dictates such a policy. If they speak in no uncertain tones, legislators will hear and obey them. In this Congress, during this critical period of our country's economic distress, and with the suffering of our people greater even than while we were at war, in my capacity as a Congressman, I have eschewed politics and have placed country above party and self, and I shall unswervingly adhere to such a policy. Would that the members of the President's household, notably Secretaries Hyde and Hurley, would do likewise while the President is urging cooperation between the parties during this emergency.

I am glad the President is at last aroused to the necessity for economy. Would that he had evidenced an active interest in it for the past two years before the huge deficit in the Treasury became a reality. Do you know that the Alien Custodian Property Bureau and the war-time Railway Administration are both flourishing, with personnel drawing good salaries, 13 years after the war? It is also regrettable that when the House Democratic Economy Committee asked of the Cabinet officers how savings could be effected in their departments they received little aid. The Attorney General stated that the appropriation for his department could not be reduced without closing the courts and the Secretary of State advised that his could not be reduced without closing 10 or more embassies abroad.

May I not say in conclusion that I am whole-heartedly in favor of reducing Government expenditures and will cooperate with the President and others interested to the fullest extent? Believing that without a balanced Budget there can be no economic recovery, I deem the paramount duties of Congress to be to balance the Budget, based on a substantial reduction of Government expenditures; to enact some economically sound relief measure to give employment; to provide for some regulated expansion of the currency; and to adjourn.

#### CONTROL OF FLOODS ON THE MISSISSIPPI RIVER AND ITS TRIBUTARIES

Mr. COX. Mr. Speaker, by direction of the chairman of the Committee on Rules, I call up House Resolution 167.

The SPEAKER. The gentleman from Georgia calls up a resolution, which the Clerk will report.

The Clerk read as follows:

*Resolved*, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 4668, a bill to amend the act entitled "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes," approved May 15, 1928.

That after general debate, which shall be confined to the bill, and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Flood Control, the bill shall be read for amendment under the 5-minute rule.

At the conclusion of the reading of the bill for amendment the committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and any amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. COX. Mr. Speaker, of the time at my disposal I yield 30 minutes to the ranking minority member of the Committee on Rules to be disposed of as he sees fit.

Mr. Speaker, the purpose of this resolution is to provide for consideration of the bill H. R. 4668, which is a bill reported by the Committee on Flood Control proposing an amendment to section 3 of the flood control act of 1928. This section as it now stands is as follows:

Except when authorized by the Secretary of War upon the recommendation of the Chief of Engineers, no money appropriated under authority of this act shall be expended on the construction of any item of the project until the States or levee districts have given assurances satisfactory to the Secretary of War that they will (a) maintain all flood-control works after their completion, except controlling and regulating spillway structures, including special relief levees; maintenance includes normally such matters as cutting grass, removal of weeds, local drainage, and minor repairs of main river levees; (b) agree to accept land turned over to them under the provisions of section 4; (c) provide without cost to the United States all rights of way for levee foundations and levees on the main stem of the Mississippi River between Cape Girardeau, Mo., and the Head of Passes.

It is proposed to insert immediately preceding the section as now written the following:

SEC. 3. In the execution of the adopted project, the United States shall provide flowage rights over all lands including compensation for damages to improvements thereon at the time of the taking, which are not now between the existing levees and the low-water channel of the Mississippi River and which will be between the levee lines of the adopted project and the low-water channel of the Mississippi River by reason of setbacks, extensions, or other changes in the levee lines on the main stem of the Mississippi River between Cape Girardeau, Mo., and the Head of the Passes. The States or levee districts may provide for the United States, upon its request and at its expense, such flowage rights, and the United States shall reimburse the States or levee districts in full for all payments made and expense incurred in providing such flowage rights upon proof that they have been obtained at fair valuation and at reasonable expense.

And to add at the end of the section this language:

This act shall take effect from and after the date of the enactment of the flood control act of May 15, 1928.

By this bill an attempt is being made to make effective the intention of the Congress at the time of the flood control act of 1928 was adopted. The House appreciates the fact that the act was the outgrowth of two unprecedented floods that had recently occurred in the lower valley of the Mississippi. It was the flood of 1927 which resulted in the destruction of more than \$200,000,000 of property and a loss of more than 200 lives that so aroused the country as to bring about a determined demand for some comprehensive legislation that would take care of such conditions.

In the act of 1928 Congress first gave recognition to the principle of national responsibility for the control of the flood waters of the river. It was not the first expression of Congress of an interest in the subject, because Congress had many years previously set up the Mississippi River Commission which had, from time to time, done work toward the



improvement of the river. While, of course, as expressed in all the legislation, the purpose of the Government in the execution of these works under the supervision and control of the Mississippi River Commission was to improve navigation, the improvement of the river for purposes of navigation involved the question of flood control; but there had been no acknowledgment or admission of national responsibility so far as the control of flood waters was concerned.

In 1928 the Congress adopted the act referred to as the flood control act, and while the principle of local responsibility to the extent that there should be exacted some local contribution was recognized, yet the Congress in this act, and with specific reference to the project it adopted, declared that local interests had contributed to the control of the flood waters in the alluvial valley to the full extent of their responsibility, and whatever the cost of the construction of protective works might be that would effectively control flood waters was upon the General Government.

In section 2 of that bill there is found this language:

That it is hereby declared to be the sense of Congress that the principle of local contribution toward the cost of flood-control work, which has been incorporated in all previous national legislation on the subject, is sound; as recognizing the special interest of the local population in its own protection, and as a means of preventing inordinate requests for unjustified items of work having no material national interest. As a full compliance with this principle, in view of the great expenditure estimated at approximately \$292,000,000, heretofore made by the local interests in the alluvial valleys of the Mississippi River for protection against the floods of that river; in view of the extent of national concern in the control of these floods in the interests of national prosperity, the flow of interstate commerce, and the movement of the United States mails; and in view of the gigantic scale of the project, involving flood waters of a volume and flowing from a drainage area largely outside the States most affected and far exceeding those of any other river in the United States, no local contribution to the project herein adopted is required.

Now, mark you, in so far as the execution of the adopted project is concerned, there was a declaration made by the Congress that no contribution of any amount, in addition to what had already been made, should be exacted of local interests.

This brings me to a consideration of the conditions with which this bill deals.

In the execution of the project it was found by the engineers of the War Department, in many instances, that by abandoning protective works that were the result of more than 100 years of effort on the part of local interests, and contributed to by the General Government, in that the Government, through the Mississippi River Commission, had adopted the levee lines that had been set up by local interests and had been maintaining and otherwise improving these levee lines through all the years for the purpose of controlling the river, in order that it might advance and improve its conditions, so far as navigation is concerned. Along the river there are certain bends which the engineers found, in the execution of the project after the act had been adopted and after the declaration of Congress was made that local interests should not be required to contribute, might be cut off and entirely new levee lines constructed, which would result in a considerable saving to the Government; and the engineers in the exercise of their discretion in the execution of this project have deviated in many instances from the original levee lines and have set up levees which cut off into the intended main channel of the river areas, which, in effect, dedicate the properties in question to a public use, and there is resistance on the part of the War Department to the demand for just compensation.

Let me direct your attention to one specific case that I have in mind. It is down in Arkansas, and involves the land known as Pecan Point. Let me illustrate it here on this chart. Here is a bend in the river that comes back within 2 miles of where the first bend occurs.

This is not an extreme case; it is a fair illustration of all other cases where land has been taken through arbitrary and seemingly senseless changes in the original levee lines made by the engineers of the War Department and in reckless if not willful disregard of the rights of landowners whose property has been destroyed.

As I say, you find the river makes this bend here and comes back within 2 miles of where the bend began. Along the banks of the river there are levees, and they have been there for more than a hundred years. They are the development of local enterprise, and the Government has, since the creation of the Mississippi River Commission, helped to maintain them.

In destroying this tract of land by this cut-off levee the Government saved \$400,000—the difference between the cost of strengthening the levee around the bend by revetment and otherwise and the cost of the cut-off levy. The cost of improving the original line was estimated at \$600,000 and that of new line at \$200,000, and still there is objection to compensating the owners of this land that has been taken from them.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. COX. I yield.

Mr. WILLIAM E. HULL. Can the gentleman state what is the value of the land proposed to be flooded?

Mr. COX. I regret that I can not; but the value of this particular tract would hardly run over \$100,000. Certainly flowage rights could be acquired for this amount.

Mr. COOPER of Tennessee. I can give the gentleman from Illinois a direct answer. The land in question consists of 3,200 acres in this point, 3,000 of which is highly cultivated and in splendid shape, with valuable buildings upon it.

Mr. WILLIAM E. HULL. What is the value per acre?

Mr. COOPER of Tennessee. I have forgotten that; but it is fine agricultural land.

Mr. WILLIAM E. HULL. My purpose in asking was to ascertain whether the value was being taken into consideration in the expenditure.

Mr. COOPER of Tennessee. Oh, the valuation of the land justifies the cost of its protection. I would like to ask the gentleman from Georgia if it was not shown in the hearings that a certain property owner in that area did take the matter up with the Government engineers to ascertain whether it was the purpose of the Government to continue the levees as located, and that he had the assurance of the engineers that that was their purpose?

Mr. COX. A witness came before the committee and testified at length, and as a part of his testimony he filed a letter that he had from an engineer of the War Department, in charge of river work, which was in response to an inquiry from him, if it was the intention of the War Department to ever cut this point off into the main channel of the river, and in that letter the representative of the War Department declared that such was not the intention of the Government; and the man, with that assurance, bought part of the property and erected on it a magnificent country home.

Mr. JOHNSON of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. COX. Yes.

Mr. JOHNSON of South Dakota. There is no one in the War Department who would have any right to commit the Congress of the United States on any policy.

Mr. COX. Of course not; but that was the assurance given the prospective purchaser, and with that the purchaser bought the property; but that is beside the question. This property here, during all of the years, never has been subject to overflow from the river, and the construction of this line of levee was simply to eliminate a bottleneck in the river which, it is presumed, the engineers thought would result in the piling up of flood waters and the making of it more difficult to control at other points on the stream.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. COX. Yes.

Mr. SNELL. As I understand it, this bill applies to the whole river from Cape Girardeau down through?

Mr. COX. It does.

Mr. SNELL. Will the gentleman tell me how many acres of land the Government will have to buy if the bill is enacted into law?



Mr. COX. I can not answer the gentleman's question. I do not know.

Mr. SNELL. Does anybody know?

Mr. REID of Illinois. Yes. They would not have to buy any land. All they would have to do would be to use good engineering sense and follow the original plan, which provided that the levees should be rebuilt where they are, and we appropriated \$100,000,000 in the flood control bill in order to protect the levees from falling in, so that it would not cost one penny if the Army engineers would use good engineering sense. Is not that true?

Mr. COX. That is true.

Mr. SNELL. Let me ask this question. As I read the provision in section 3 it is that this shall be provided, the flowage rights—that is, at the expense of the Federal Government—and they shall be obtained by the State. What does that mean?

Mr. COX. The evident intention of that language is to secure State aid in obtaining needed lands at fair prices. The sole obligation that was put on local interests in the first instance was furnishing the beds for the levees where relocation became necessary. There was no intention upon the part of anyone—and certainly it was not the intention of the Committee in reporting the bill, and, if I may say so, not the intention of Congress when it enacted it into law—to make any demands on local interests for contribution of anything in the way of property or otherwise other than the mere beds for the levees that they might find it necessary to relocate.

Mr. SNELL. The gentleman will admit that when we had the bill before the House the real discussion centered around the point of whether the Federal Government should buy land down there or not.

Mr. COX. That related to the backwater areas.

Mr. SNELL. I admit that is true; but there are going to be some backwater areas here if you go through with this bill, and what I want to know is how many acres you are providing for that we may possibly have to buy? The gentleman from Illinois [Mr. REID] says that we will not have to buy any.

Mr. COX. You might obtain flowage rights.

Mr. SNELL. How many acres, and how much will it cost? If the engineers are in favor of it, why are they opposed to it at the present time?

Mr. COX. It is no surprise to me that the engineers are against this bill. As the gentleman says, they are. They were against the original legislation as it passed out of this House. From earliest times man has encroached upon the banks of rivers for the use of the rich soils in the valleys, and from this contest with the elements there was evolved the rule that everyone has the right to protect his property with dikes or levees to keep back the waters, without being responsible to his neighbors or to the owners on the other side of the stream. It was recognized that they have the equal right to protect themselves by similar means. On the other hand, there grew with the doctrine another of equal force, that "the free flow of water in rivers was secured from undue interference or burden created by obstructions to the flow, by deflections in its course, or any other act limiting the right to enjoy the flow or causing additional burdens by changing it." It follows that if the private individual who constructs a levee for the protection of his own property, so long as he does not interfere with the natural flow of the stream, is not liable to others for the effect thereof; neither is the Government, the State, levee boards, nor other similar agencies which contribute to or assume control of such works for the benefit of the public. The War Department probably takes the view that in improving the river for the public good there is no taking of the property in question, but only a subjection of it to a servitude to which it has always been liable.

In other words that—

So long as the owner remains clothed with the legal title to the land and is not ousted from the physical possession thereof his property is not taken, no matter to what extent his right to use

it is invaded or destroyed or its present or prospective value is depreciated. This is an erroneous view. The right of property, as used in the Constitution, has no such limited meaning.

Mr. Justice Day said:

Property is more than the mere thing which a person owns. It is elementary that it includes the right to acquire, use, and dispose of. The Constitution protects these essential attributes of property.

Mr. BRIGGS. Mr. Speaker, has a case deciding this question been before the Supreme Court?

Mr. COX. This case here, this particular case?

Mr. BRIGGS. Yes.

Mr. COX. In *United States v. Cress* (243 U. S. 716) the court, through Mr. Justice Pitney, said:

Power of the Federal Government to improve navigable streams in the interest of interstate and foreign commerce must be exercised, when private property is taken, in subordination of the fifth amendment.

Mr. BRIGGS. I was under the impression that there was some litigation growing out of this.

Mr. COX. There was a case, *Hurly et al. against Kincaid*, decided by the Supreme Court February 23, 1932, but did not settle the question here involved.

Mr. BRIGGS. Has there not been some judicial determination by the final court of the United States upon this subject?

Mr. COX. Yes; there had been some. The question was decided in *United States v. Lynch* (188 U. S. 445) and in the case of *Pumpelly against Green Bay*—I do not recall the volume in which it is reported—and there are many other cases.

Mr. GARBER. Will the gentleman yield?

Mr. COX. I yield.

Mr. GARBER. The gentleman is making a very informative statement, but it is very natural for the members of the committee to inquire, those who are in sympathy with this legislation, as to the extent of the mandate to the United States Government to provide flowage rights for certain lands described in the bill. May I inquire the approximate area and the approximate value?

Mr. COX. I think the cases that are given in the report of the committee which reported the bill cover practically all the cases.

Mr. GARBER. But it does not state the area; neither does it state the estimated value.

Mr. COX. Well, I can not give the gentleman that information.

Mr. LOZIER. Will the gentleman yield for a question?

Mr. COX. I yield.

Mr. LOZIER. Is it not true that both the Federal and States courts have held, since the foundation of our Government, in considering the Federal and State Constitutions, that the damaging of property is a taking within the meaning of the Constitution?

Mr. COX. The Supreme Court has held that the Government, in the improvement of the levee line of the river for navigation purposes, is not liable if some one down the river, miles away, suffers as a result of the water being thrown on his land, stating that it is consequential and must be suffered without damage; but that principle does not apply where the Government through the change of leases imposes a servitude which deprives the owner of land of the enjoyment of any of its elements of value—designed servitude is a taking within the meaning of the Constitution, so the gentleman is correct in his statement.

The constitutional rights of the people at certain points on the river are being invaded, and that, too, by agents of the Federal Government. In their desire to improve the public condition they are seeking to achieve by a shorter cut than the constitutional way of paying for what they take, and in this connection let me quote Mr. Justice Bradley in the case of *Boyd v. United States* (116 U. S. 616, 635), who said:

Illegitimate and unconstitutional practices get their first footing by silent approaches and slight deviations from legal methods of procedure.



Having specific reference to the effort of the agents of the Government to escape the responsibility that is imposed under the fifth amendment of the Constitution.

Quoting further:

This can only be obviated by adhering to the rule that constitutional provisions for the security of person and property should be liberally construed. A close and literal construction deprives them of half their efficacy and leads to gradual depreciation of the right, as if it consisted more in sound than in substance. It is the duty of courts to be watchful for the constitutional rights of the citizen and against any stealthy encroachments thereon.

Mr. SNELL. Will the gentleman yield?

Mr. COX. I yield.

Mr. SNELL. We will admit all of that. What we would like to know is how many acres it is proposed to buy and how much it will cost?

Mr. COX. I can not answer that question.

Mr. SNELL. Other gentlemen here have said they can.

Mr. COX. But there is no mandate in the law that the Government shall go out of the appropriation already made and authorized in the payment for any property which the Government, in the execution of the project, has found it necessary to take. The saving that will be effected by reason of change will probably be sufficient to pay for the property taken, but if not sufficient, this is no excuse for refusing to pay.

The question that should challenge the minds of Members of Congress is, Has the Government, under the circumstances that have been stated, taken property of its citizens? If it has taken it, then under the fifth amendment to the Constitution it is required to compensate the citizen to the extent of his damage.

Mr. BECK. Will the gentleman yield?

Mr. COX. I yield.

Mr. BECK. If that is so and there be a taking, there is no amendment required. There is a remedy to get full compensation for the taking.

Mr. COX. I expected that that question would be asked, and expected the gentleman to ask it. I take the position that under the law as it is, a private citizen has the right, when the Government comes in and seizes his property and dedicates it to public use, to go into the courts and enforce his constitutional rights. That has been done. A citizen of the State of Louisiana sought to obtain injunctive relief. The district court held with him. The circuit court of appeals held with him. The Government prosecuted the case to the Supreme Court, and the Supreme Court held that he had no right of injunction under the law. So, as the owner of a small tract of land, he is subjected to the expense of going over the whole ground again. Such an attitude on the part of the Government means, due to expense of long litigation, the small property owner is deprived of his constitutional rights, and, that too, by the Government itself. The purpose of the proposed amendment to the flood control act is to require the Government to compensate the owner of land at the time of the taking, and in good conscience this should be done.

The SPEAKER pro tempore. The time of the gentleman from Georgia has expired.

Mr. GOSS. Mr. Speaker, I make the point of order that there is not a quorum present.

The SPEAKER pro tempore (Mr. HORNER). The Chair will count. Evidently there is not a quorum present.

Mr. COX. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 81]

Abernethy	Browning	Corning	Fulmer
Allgood	Burdick	Crowther	Gasque
Almon	Cary	Davenport	Gibson
Andrew, Mass.	Celler	Dickstein	Gifford
Auf der Heide	Chapman	Doutrich	Golder
Bacharach	Chase	Dyer	Granfield
Bacon	Clark, N. C.	Erk	Hartley
Baldrige	Collier	Eslick	Hollister
Bloom	Collins	Estep	Hull, Morton D.
Bohn	Condon	Flesinger	Igoe
Boylan	Connery	Fish	Jenkins
Britten	Cooke	Freeman	Johnson, Ill.

Johnson, Wash.	Loufbourow	Prall	Sullivan, Pa.
Kendall	Ludlow	Ragon	Summers, Tex.
Kennedy	Mitchell	Seiberling	Swing
Kerr	Murphy	Shallenberger	Tucker
Kunz	Nelson, Wis.	Shreve	Turpin
Kurtz	Norton, N. J.	Sirovich	Watson
Lamneck	Oliver, N. Y.	Smith, W. Va.	Welsh, Pa.
Lea	Owen	Stokes	Wood, Ind.
Lewis	Perkins	Strong, Kans.	Yon
Lindsay	Person	Sullivan, N. Y.	

The SPEAKER pro tempore. Three hundred and forty-four Members have answered to their names; a quorum is present.

Mr. COX. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. PURNELL. Mr. Speaker—

Mr. BANKHEAD. Mr. Speaker, will the gentleman from Indiana yield to me for an inquiry?

Mr. PURNELL. I yield.

Mr. BANKHEAD. It is apparent, of course, that for some reason there is a filibuster in progress to prevent a vote on the rule. I wonder if the cause of the filibuster might be removed by some form of agreement with reference to the distribution of the time or otherwise?

Mr. PURNELL. I will say to the gentleman from Alabama I have no knowledge of any filibuster.

Mr. BANKHEAD. The gentleman from Indiana has been in the Chamber and is a rather observant gentleman, usually.

Mr. PURNELL. I have some requests for time, and I was proceeding to continue the debate as far as I have it within my power to yield time.

Mr. BANKHEAD. I merely desire to suggest to the gentleman from Indiana if this procedure is continued it will merely penalize consideration of the Private Calendar. Of course the gentleman knows this measure will be the continuing order of business until it is disposed of.

Mr. PURNELL. I have no disposition to delay consideration of the matter, I will say to the gentleman. I only want to take about one minute before I yield to somebody who is opposed to the resolution.

The resolution was reported out by the Rules Committee on the 7th of March, almost two months and a half ago. I had no notice until I came into the Chamber this morning that the resolution would be called up to-day, although I have the honor of being the ranking Republican member of the Committee on Rules.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. PURNELL. I yield.

Mr. COX. I undertook to communicate with the gentleman a week ago. Not finding him in attendance upon the House I talked at length with the gentleman from Michigan [Mr. MICHENER], the next ranking member of the committee, and then informed him this resolution would be taken up immediately after consideration of the appropriation bill which was disposed of yesterday.

Mr. PURNELL. The gentleman is no doubt correct.

Mr. COX. Further than that, I have yielded the gentleman from Indiana half of the time on the rule.

Mr. PURNELL. I am not now finding fault with the fact I received no notice. I can not yield farther.

I am not finding fault, but I am merely offering that as an excuse for what I am about to say. I know nothing about the resolution or the bill which it makes in order. I have a very hazy recollection of having had the gentleman from Louisiana appear before the committee and make a statement with reference to the bill. As far as I personally am concerned I have an open mind. I am not now opposing this resolution. I am in the position of one seeking information. There are some facts about which I personally should like to have further enlightenment. No one has yet satisfied me that the bill does not involve, directly or indirectly, further appropriations from the Federal Treasury. That is one of the things I wish to have cleared up.

In order that we may proceed and in order to take care of requests for time which have come to me I shall use no further time myself.



Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. SNELL].

Mr. SNELL. Mr. Speaker, I want to take two or three minutes to call the attention of the House and of the committee to the rather anomalous position we are in at the present time, when Congress is using every effort to balance the Budget, making every effort to practice every economy possible, and when we had a statement from the distinguished Speaker of the House on yesterday that enormous additional expenditures might be necessary to meet the unemployment which stares us in the face at the present time; and yet in the face of all this the Democratic majority bring in a special rule for the consideration of a bill that from the best information I can get will open wide the doors of the Treasury, and there is no limit to the expense that may be incurred by reason of it.

I do not know who is back of this bill nor who is for it. It is absolutely impossible to find out from reading the report how many acres of land it is proposed to buy, how much the cost will be, or anything definite in regard to the whole proposition.

Mr. WILSON. Will the gentleman yield?

Mr. SNELL. I will be glad to yield.

Mr. WILSON. If we can adopt this rule and take up the consideration of this bill, we will probably have time to give some information in regard to the bill.

Mr. SNELL. I have read the report presented to the House and find there is not a single definite statement in the whole report that would give anyone a reason to vote for this proposition.

Mr. FREAR. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. FREAR. Will the gentleman from Louisiana agree to give us some time on this side?

Mr. WILSON. Yes.

Mr. FREAR. I can not get time over here.

Mr. BANKHEAD. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. BANKHEAD. I want to express my surprise, in view of what the gentleman from New York has just said, that at this late period in the session, after practically all of the opportunities for economy have passed, the gentleman has just waked up to the necessity for some economy.

Mr. SNELL. I have been awake on this question of economy all the time and the gentleman well knows it. I want to say to the gentleman I did not vote for the \$132,000,000 road bill, nor a lot of others for which the gentleman voted. This action here just proves what I have said before, that you people are only talking economy. You do not really want it. I say right here and now that there is not a word in your report that would justify anyone voting for this bill. There is not a word of real information in it. You do not tell us anything about how much this is going to cost, how many acres you want to buy, or where it will lead. As far as any information I can get, the Army engineers, the people who have always worked on these propositions, the only people who have any definite knowledge about it, are absolutely opposed to what is proposed to-day.

Mr. DRIVER. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. DRIVER. I want to suggest to the gentleman that it will be an impossibility for this matter to be determined by any other organization than the engineers in charge. If an opportunity is afforded we will give the number of acres now involved.

Mr. SNELL. Why was not that information carried in the report? Why does not the report tell us something about it? In the bill you are providing for the payment of these lands, if I can read it correctly. This is the provision:

In the execution of the adopted project, the United States shall provide flowage rights over all lands, including compensation for damages to improvements thereon at the time of the taking.

With some exceptions, and so forth, and the Army engineers' report definitely against it.

Mr. COX. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. COX. The gentleman very properly is concerned about the question as to what additional money will be exacted from the Public Treasury if this bill is passed. Will the gentleman permit me to call his attention to the fact that in the change of the engineering plan, which has called for the offering of this resolution, there will be a saving of many millions of dollars?

Mr. SNELL. I can not yield further. I want to say to the House that I called the office of the Chief of Engineers this morning. I did not get the chief but I did get in touch with his ranking man. He said the estimate was entirely indefinite; that they knew nothing definite about it but felt it would be an extremely large expense and, in their judgment, it threw the doors of the Treasury wide open. If you gentlemen want to take the responsibility of doing that at this time, the responsibility is upon you and not upon us. But I want the country to know we are opposed to any such proposition or imposing any such unjustified or uncalled for authorization at this time.

[Here the gavel fell.]

Mr. PURNELL. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. DALLINGER].

Mr. DALLINGER. Mr. Speaker, I do not like to differ with my dear friend from Louisiana, for whom I have the most profound respect, he having been the chairman of a committee of which I was a member. However, I can not support this rule nor the bill which the rule makes in order.

At the time the original flood control bill was under discussion it was seriously suggested and urged that when the taxpayers of the country were asked to engage in this enormous expense—which may amount to one thousand millions of dollars before it is over—that the people whose lands were to be protected, and the States and counties immediately concerned should make some contribution. It was decided otherwise finally, and because of the awful devastation of that flood the Representatives from other States, though paying a large share of the taxes of the country, voted for it.

Now, Mr. Speaker, in the part of the country where I come from, betterment assessments are assessed against property that is improved. We all know the danger to which all of the property in the lower Mississippi Valley is subjected and that its value at present, on account of the danger of flood, is seriously impaired. If, therefore, the Nation is to protect this property and greatly increase its value, the people owning it ought, in fairness, to share the expense instead of asking for consequential damages.

Mr. Speaker, this bill proposes to place an extra charge upon the Treasury which the proponents of the original act were not able to have inserted when the act was passed, and it opens the doors of the Treasury of the United States to the expenditure of untold millions for flowage.

Now, one particular case was called to the attention of the House on this map by the gentleman from Georgia. If any property is taken under the Constitution, the owners have their remedy under the Constitution. Something was said about an injunction which is an equitable process being denied by the Supreme Court of the United States; but under the Constitution, private property can not be taken for public use without just compensation.

Mr. COX. Will the gentleman yield?

Mr. DALLINGER. No; I can not yield.

As I have already pointed out, this bill puts an extra charge upon the Treasury that was not in the original bill. If a special case of hardship should arise, a private bill can be introduced; or if there are a number of such cases, Congress can refer them to the Court of Claims; but we should not pass this bill at a time when we are trying to cut down expenses and when we are trying to balance the Budget, because its enactment would open the door wide to the expenditure of untold millions from the Public Treasury. Mr. Speaker, I can not understand how any Member who is sincere in his desire to balance the Budget can vote for either the rule or the bill which the rule makes in order. [Applause.]

I yield back the balance of my time.



Mr. PURNELL. Mr. Speaker, I yield eight and a half minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, never before have I known any instance where the Congress of the United States has sought to pay to these levee districts that under the law have paid for the rights of way the amounts that they have disbursed. This bill under the last section would compel the National Government to do this, because it is to be effective from the date of May 15, 1928, when we passed the flood control bill, and the amount of money that under the law the levee districts were obligated to pay runs into the millions.

Mr. REID of Illinois. Will the gentleman yield?

Mr. STAFFORD. Let me make my preliminary statement and then I shall yield.

In that fundamental act it was stated as the declared policy and declared to be the sense of Congress that the principle of local contribution toward the cost of control work should be continued, referring to the fact that the local levee districts in flood control had spent up to that time \$292,000,000.

Later on in this act, in section 4, what do we find as the declared policy of Congress? Listen, gentlemen:

Provide, without cost to the United States, all rights of way for levee foundations and levees on the main stream of the Mississippi River from Cape Girardeau, Mo., and the Head of Passes.

There was the obligation and the express condition on which the Congress entered upon this work.

Mr. WILSON. Will the gentleman yield?

Mr. STAFFORD. After I make my preliminary statement.

What was this policy? Take the hearings on the War Department appropriation bill of this year with respect to committing the Government on this flood-control work. Prior to the enactment of the general act we had been spending on the average \$10,000,000 a year for flood control. In the act we passed yesterday there is appropriated \$35,000,000 for flood control on the Mississippi River as a part of a total cost to the National Government under this act, as you will find on page 141 of the hearings, of \$325,000,000.

Now you are seeking, just because your levee districts, perhaps, are in a little financial distress, to have the National Government take upon itself the payment of the rights of way for these levees that may have to be removed because the water has undermined the present existing site.

Mr. WILSON. Will the gentleman now yield?

Mr. STAFFORD. I shall yield later. I have some facts here which the gentleman did not have.

Let me call attention to what General Brown stated at page 144 of the hearings on the War Department appropriation bill as to the status of this levee work:

General BROWN. The main-line levees including those on the tributaries to protect the side basins are about half completed now and they will probably be completed in 1935.

Of the \$325,000,000 of obligation that the National Government took upon itself, under certain conditions which I have read, we have appropriated, including the \$35,000,000 appropriated yesterday, \$123,000,000.

What do you now propose to do? Under that act we did take upon ourselves the obligation to pay for all the flowage rights by basins back of New Orleans and these other two or three places, which were to divert the flood waters to protect these essentially dangerous places in case of heavy floods, and we are assuming that obligation and we are not attempting to dodge that obligation; but so far as levees are concerned, the established policy of the Government for 75 years, up to this moment, as declared in this act and all prior acts, as was stated in the act, has been that the procurement of the rights of way for these levees should be upon the local levee districts.

Mr. REID of Illinois. This bill does not change that.

Mr. STAFFORD. But you propose that when they move back the levees the National Government, instead of the levee districts, shall arrange for any damages that may be entailed, and I will say to you that these damages will be

much more if this burden is thrown upon the National Government than if it is borne by the local levee districts, for the reason that many times when the levee is moved back a little distance, the land between can be safely tilled by constructing minor drainage works, but we all know that when the National Government is called upon to hold the bacon, then regardless of section of the country, and even here in the District, they will pile up their damages until Uncle Sam is further and further burdened with such expenditures.

I have tried in every way to vote consistently for economy, and here we have the testimony of the Chief of Engineers that the levee work is going on satisfactorily and will be completed within two years. There is nothing in his testimony on the War Department appropriation bill or in the hearings before the Flood Control Committee to show wherein the work is being held back, because the levee districts are not taking upon themselves their true obligation.

How many instances are there since May 15, 1928, when the localities under the promise sanctioned in the law agreed to pay for the rights of way? How many are there? Sixty or more, involving damages that have been paid of from \$10,000 to \$150,000.

Why do you not adhere to the bond that was entered into when we took this tremendous burden upon ourselves to the extent of \$325,000,000? Why do you not adhere to the wording of the bond where it is expressly stated—

Mr. REID of Illinois. Will the gentleman now yield?

Mr. STAFFORD. I decline to yield now.

Where it is expressly stated that the levee districts shall provide, without cost to the United States, all rights of way for levee foundations and levees on the main streams?

Are you going to take the position now, that you got the Congress of the United States to agree to these terms under a false promise—a false promise in that you would call on Congress to abdicate that position—after Congress has appropriated the money that under the law it obligated itself to pay?

There are other districts in the country that are hard pressed. We have flood control in Milwaukee. We are not calling on the National Government to control the floods in the Milwaukee River. We have done more in the flood control of the Mississippi River to protect the great alluvial lands there than in any other section of the country. But, apparently, you are not satisfied with that. In these pressing times of economy you want to have the entire bag turned over to Uncle Sam.

For goodness sake, gentlemen, for one time try to be consistent in your pleas for economy. The \$132,000,000 appropriation for good roads at this session is a long time past, but do not resurrect the same ghost of extravagance by disregarding your promise as stated in the law of 1928. [Applause.]

I now yield to the gentleman from Illinois [Mr. REID].

[Here the gavel fell.]

Mr. PURNELL. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. FREAR].

Mr. FREAR. Mr. Speaker and gentlemen of the House, when this bill was first before the House in 1928, Chief of Engineers, General Jadwin, estimated that, as passed by the Senate, it would reach about a billion and a half dollars for all reservoirs and many millions for flowage lands and other flowage propositions previously reported by the committee, of which my friend the gentleman from Illinois [Mr. REID] was chairman.

That bill as reported to the House and passed by the Senate was opposed by the President of the United States and by the entire Engineers Department of the United States. We opposed the bill here for five days in the House, and President Coolidge, with the advice of General Jadwin who had opposed it and helped in the fight, then through conferees cut it down from one and one-half billion dollars to about \$318,000,000. A saving of more than a billion dollars was secured from the bill reported by a majority of the House committee as urged by a minority re-



port I submitted. The Senate passed the House bill in just two hours debate, but it was thoroughly exposed when it reached the House.

We do not have much chance in this debate. The time is controlled by flood-control exponents on both Republican and Democratic sides, by Members in favor of the rule and a bill that may carry a hundred million dollars or several times that amount. Nobody knows what it will cost, but it involves a vast acreage that must be bought and paid for by the Federal Government at prices often ten times the actual value of the land taken. I have asked for 10 minutes to discuss the proposition and finally have been given time by the Republican side of the Rules Committee.

Mr. REID of Illinois. Will the gentleman yield?

Mr. FREAR. No; I regret I can not yield. The gentlemen now on the committee had charge of the extravagant Senate bill when last before the House, but we defeated them. Here is the situation: The gentleman from New York [Mr. LaGUARDIA], who helped me with the opposition when the Senate bill was then before the House, on my suggestion proposed one amendment, that only three times the total amount of assessed valuation of property should be recovered against the Government by local parties as damages for occasional flowage. That was opposed, because it was said by our Democratic friends it was a reflection on the people along the lower Mississippi River that they would not be fair. Senator Ransdell, of Louisiana, afterwards tried to explain to the Senate why the damages demanded and paid were ten times the total assessed value found on the Bonnet Carre flood way near New Orleans by a local board. Ten times the assessed value of the land was to be paid by the Government for occasional flowage. My colleague from Wisconsin [Mr. STAFFORD] has just explained that \$123,000,000 has been appropriated to date since 1928, and the cost will probably exceed the \$318,000,000 estimated in that bill because of land the Government is compelled to buy that is for flood protection of adjoining lands.

Will you get a fair estimate of values to be paid by the Government from any local boards?

Of course the Government will not. It has resulted as we predicted when we said the Government would be held up for many times the actual value of land that the States and localities ought to contribute for flood ways.

I want to read to the House from the Army engineers' report of 1931, which opposes these demands on the Government. It was going to cost \$1,500,000,000, when reported to the House at the beginning. We put a stop to that in the House and cut it down, as stated, to less than one-quarter of that amount, but bills like the one before us will add hundreds of millions of dollars to be paid by American taxpayers for many times the value of flowage lands that ought to be contributed locally as the Government is paying for levees and all other flood protection to protect these people and lands against floods.

Let me read briefly what the Government engineers' report of February 28, 1931 says:

That the adjustment of the equities of protection and lack of protection be left to those who alone can apply economically the benefits derived to such purposes, namely, the States and other local governmental agencies.

Again the report advises Congress:

Provided that no protection works other than levees along the main stream or its tributaries shall be built by the United States in any State until, by appropriate legislation, the State shall have protected the United States from all claims on account of flood damages of any kind whatsoever within the State.

Again I quote from the report:

Local interests shall furnish all rights of way and all flowage rights necessary for the execution of this project, except such as the United States has heretofore obligated itself to acquire at Bonnet Carre, La., and at Birds Point-New Madrid, Mo., and has actually acquired at other localities. The furnishing of rights of way and flowage rights by local interests is a condition precedent to entry by the United States on the work to which they pertain.

That is the advice of our Government engineers, but this bill demands that the Federal Government shall buy the

land and pay all damages at prices to be fixed by local boards. The law department of the Government to which Congress always looks for advice, warns us:

That no protection works other than levees along the main stream or its tributaries shall be built by the United States in any State, until by appropriate legislation, satisfactory to the Secretary of War, the State shall have protected the United States from all claims on account of flood damages of any kind whatsoever within the State.

We have here a proposition with no limit of expenditures put upon it. When first introduced the estimate was a billion and a half dollars, which, through threat of President Coolidge's veto and opposition in the House, was reduced to \$318,000,000. This bill starts a heavy and new Government cost. You can not estimate what it will be now or ever, and yet you are asked to pass this enormously wasteful bill urged by our Democratic friends in an economy administration. Are you gentlemen on the Democratic side going to vote for a proposition of that kind? I ask you to help defeat the rule that has been suddenly presented.

Mr. Chairman, the last report referred to contains the following detailed advice:

Reference is had to the report of the Chief of Engineers to Congress dated February 28, 1931, and to the marked clauses on pages 8, 13, and 14.

You will note the Chief of Engineers specifically recommends such an amendment, and the amendment above suggested is in almost the exact language of the recommendation of the Chief of Engineers.

The background of the situation is this: The act provides for three definite diversion constructions—New Madrid, Birds Point, and Bonnet Carre. The first diversion project is to protect the city of Cairo and the second another area in Missouri and the third the city of New Orleans. Each of these project constructions diverts water in the areas which would not be flooded under any circumstances except for the diversion constructions.

On the other hand, in time of flood it is expected that the water will flood the basins known as the Boeuf Basin and the Atchafalaya Basin. These basins are natural basins through which the flood water has always flowed in time of flood. To protect these basins and to localize the flow, the project provides for what is known as protection levees, also known as setback levees, which would guide the water, confine it to a smaller area, and prevent widespread flooding.

Under the Birds Point, New Madrid, Bonnet Carre diversions, the Government has also intended to acquire flowage rights over the land involved, and the Government is proceeding through condemnation to acquire such flowage rights. The prices that the Government has to pay for these flowage rights are extraordinarily exorbitant. In the great majority of cases, although the lands will be flooded probably not oftener than once in 12 years, we are paying more than the actual fee value of the land. In other words, the landowner is eating the cake and keeping it too.

But on the Boeuf and Atchafalaya Basins there is no intention on the part of the United States to pay for any flowage rights in those basins. The people who live in those basins, however, are insisting that flowage rights be acquired over all their lands, too, a claim which, in view of the amount of land involved, will ultimately obligate the Government to spend in the neighborhood of \$500,000,000 to acquire flowage rights simply because of the action of the Government in attempting to protect that general section of the country.

When the flood control act was sent to Congress by President Coolidge, President Coolidge remarked in his message that it was to be expected that the local States would pay the larger part of the expense. Sufficient pressure was brought on Congress, however, so that Congress assumed the duty of carrying, as a national obligation, the entire flood-control project. In other words, the entire United States agreed to protect these lands from floods. Whether this was a good thing or not it at least was an act of unparalleled generosity on the part of the United States toward a section which has been deemed valuable because of its



rich land, despite the floods. Not content with getting such generosity from the Government, these people now want the Government to pay, through the nose, for the very ground upon which the protection levees are to be built, and practically to buy all of the land between the protection levees, paying therefor more for the flowage rights, which may never be exercised, than the land itself is worth in fee simple.

The original flood control act contemplated the expenditure of approximately \$300,000,000 after reduction from nearly five times that figure. There was no intention to pay for these flowage rights above referred to. If, however, flowage rights are to be paid for and we use our experience as to the prices we have had to pay at Birds Point, New Madrid, and Bonnet Carre, it will cost the United States \$500,000,000. This \$500,000,000 is simply a holdup. It is looking in the mouth of a gift horse with a vengeance.

Consequently, the Chief of Engineers, as you will notice, recommended that none of these protection levees be constructed unless the United States was freed from responsibility for flowage rights and the cost of levee sites. The bill proposed by the rule is vicious and should be defeated.

There is pending now in the Supreme Court the Kincaid case, which will probably be decided within the next two or three weeks, in which all of the work is being enjoined until the United States pays for these flowage rights. There is very great pressure, and there will be additional pressure in this Congress, to get the United States to affirmatively agree to pay not only for the levee system but for the ground on which it is built and then buy the land protected also.

Mr. Speaker, that statement is to be overruled and the court's decision set aside by this high-handed attempt to pass a wasteful and extravagant bill without previous notice. The rule should be defeated. [Applause.]

Mr. PURNELL. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. REID].

Mr. REID of Illinois. Mr. Speaker, I appreciate the kindness of the gentleman from Indiana [Mr. PURNELL] in yielding me three minutes. I hope no one will be misled by the misleading statements that have been made up to the present time. The two gentlemen from Wisconsin, both together, do not know what this bill is about. The former bill provided that the Government should pay for the flowage rights. You are not amending that or touching it. The Army engineers submitted a plan, and this House passed it, to rebuild the levees as you see here, following the contour of the river. We passed that, and that is the law at the present time. The Army engineers decided that it would be easier from an engineering standpoint, and cheaper from a governmental standpoint, not having to take into consideration the cost of the land that would be thrown out and that would be useless, so they decided to cut across a short distance. In other words, you have one leg of a triangle. For that reason they have changed the plan. Is it fair to have these private owners who came down from Iowa and Indiana, and I think one individual from New York, and purchased the land under the present Army plan of flood control—now to have their land thrown in the flood way?

It is just like a sewer district in your town getting permission to put a sewer in a street in front of your home and then deciding, as long as it did not have to pay any damages, to cut across your front yard with the sewer system. That is all this is. Not one dollar need be spent. The people do not want this land taken; they want the engineering plan followed that we adopted. These gentlemen are all wrong when they say there is a lot of money involved in this. We supplied \$11,000,000 a year extra for channel stabilization and river regulation and to shore up the banks to protect the levees from caving. This change that has been made is not necessary from an engineering standpoint, and merely makes the private people down there throw their land into the flood way without payment. It will just be like Mr. STAFFORD and Mr. FREAR throwing in their coats to help this economy program.

Mr. SCHAFER. What is the total approximate estimate of cost?

Mr. REID of Illinois. There should not be a dollar spent if the Army engineers will follow the plan they made and go around the point instead of cutting across with the levees.

Mr. SCHAFER. Make a provision to that effect.

Mr. REID of Illinois. You can not do it in this bill.

The SPEAKER. The time of the gentleman from Illinois has expired. All time has expired. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. SNELL) there were—ayes 63, noes 87.

Mr. COX. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 136, nays 186, not voting 110, as follows:

[Roll No. 82]

YEAS—136

Almon	Elzey	Kelly, Pa.	Patterson
Arnold	Englebright	Kemp	Peavey
Bankhead	Fernandez	Kleberg	Person
Barton	Fitzpatrick	Kniffin	Polk
Bland	Fulbright	Kopp	Ramspeck
Blanton	Fuller	Kunz	Rankin
Boehne	Gambrill	Kvale	Reid, Ill.
Briggs	Garrett	Lambeth	Rich
Buchanan	Gasque	Lanham	Romjue
Bulwinkle	Gilbert	Lankford, Ga.	Rudd
Busby	Gillen	Larrabee	Sanders, Tex.
Butler	Glover	Larsen	Sandlin
Canfield	Goldsbrough	Linthicum	Shannon
Cannon	Green	Lozier	Sinclair
Carden	Greenwood	McKeown	Spence
Carley	Gregory	McMillan	Steagall
Cartwright	Griffin	McReynolds	Stevenson
Chavez	Griswold	Major	Swank
Cole, Iowa	Guyer	Maloney	Swing
Cole, Md.	Hall, Miss.	Manlove	Tarver
Collins	Hancock, N. C.	Mansfield	Taylor, Colo.
Cooper, Tenn.	Harlan	May	Taylor, Tenn.
Cox	Hastings	Miller	Thomason
Cross	Hill, Ala.	Milligan	Vinson, Ga.
Crump	Hill, Wash.	Mobley	Vinson, Ky.
Cullen	Hopkins	Montet	Weeks
Davis	Howard	Moore, Ky.	West
Delaney	Hull, William E.	Nelson, Mo.	Whittington
DeRouen	Jacobsen	Niedringhaus	Williams, Mo.
Dies	Jeffers	Overton	Williams, Tex.
Disney	Johnson, Mo.	Parker, Ga.	Wilson
Doughton	Johnson, Okla.	Parks	Wingo
Doxey	Johnson, Tex.	Parsons	Wood, Ga.
Driver	Keller	Patman	Wright

NAYS—186

Adkins	Douglas, Ariz.	Lambertson	Schuetz
Aldrich	Douglas, Mass.	Lehlbach	Seger
Allen	Dowell	Lichtenwalner	Selvig
Amle	Eaton, Colo.	Loneragan	Shott
Andersen	Eaton, N. J.	Loofbourov	Simmons
Andrews, N. Y.	Evans, Calif.	Lovette	Smith, Va.
Arentz	Finley	Luce	Smith, W. Va.
Ayres	Foss	Ludlow	Snell
Bachmann	Frear	McClintock, Ohio	Snow
Baldridge	Free	McCormack	Somers, N. Y.
Barbour	French	McFadden	Sparks
Beam	Garber	McGugin	Stafford
Beck	Gavagan	McLaughlin	Stalker
Beedy	Gilchrist	McLeod	Stewart
Black	Goodwin	McSwain	Strong, Kans.
Boileau	Goss	Magrady	Strong, Pa.
Bolton	Hadley	Mapes	Stull
Bowman	Haines	Martin, Mass.	Summers, Wash.
Brumm	Hall, Ill.	Martin, Oreg.	Sumners, Tex.
Buckbee	Hall, N. Dak.	Mead	Sutphin
Burtness	Hancock, N. Y.	Michener	Swanson
Cable	Hardy	Millard	Swick
Campbell, Iowa	Hare	Moore, Ohio	Taber
Campbell, Pa.	Hart	Morehead	Temple
Carter, Calif.	Haugen	Mouser	Thatcher
Cavichia	Hawley	Nelson, Me.	Thurston
Chindblom	Hess	Nolan	Tierney
Chiperfield	Hoch	Norton, Nebr.	Tilson
Christgau	Hogg, Ind.	Palmsano	Timberlake
Christopherson	Hogg, W. Va.	Parker, N. Y.	Treadway
Clagde	Holaday	Partridge	Underhill
Clancy	Holmes	Pettengill	Warren
Clarke, N. Y.	Hooper	Pittenger	Wason
Cochran, Mo.	Hope	Pratt, Harcourt J.	Watson
Cochran, Pa.	Hornor	Pratt, Ruth	Welch, Calif.
Condon	Horr	Purnell	White
Cooper, Ohio	Houston, Del.	Rainey	Whitley
Coyle	Huddleston	Ramseyer	Wigglesworth
Craill	Hull, Morton D.	Ransley	Williamson
Crosser	Jones	Reed, N. Y.	Withrow
Crowe	Kading	Reilly	Wolcott
Culkin	Kahn	Robinson	Wolfenden
Dallinger	Kelly, Ill.	Rogers, Mass.	Wolverton
Darrow	Ketcham	Rogers, N. H.	Woodruff
De Priest	Kinzer	Sanders, N. Y.	Wyant
Dieterich	Knutson	Schafar	
Dominick	LaGuardia	Schneider	



## NOT VOTING—110

Abernethy	Cooke	Igoe	Owen
Allgood	Corning	James	Perkins
Andrew, Mass.	Crisp	Jenkins	Pou
Auf der Heide	Crowther	Johnson, Ill.	Prall
Bacharach	Curry	Johnson, S. Dak.	Ragon
Bacon	Davenport	Johnson, Wash.	Rayburn
Bloom	Dickinson	Karch	Sabath
Bohn	Dickstein	Kendall	Seiberling
Boland	Doutrich	Kennedy	Shallenberger
Boylan	Drane	Kerr	Shreve
Brand, Ga.	Drewry	Kurtz	Sirovich
Brand, Ohio	Dyer	Lamneck	Smith, Idaho
Britten	Erk	Lankford, Va.	Stokes
Browning	Eslick	Lea	Sullivan, N. Y.
Brunner	Estep	Leavitt	Sullivan, Pa.
Burch	Evans, Mont.	Lewis	Sweeney
Burdick	Flesinger	Lindsay	Tinkham
Byrns	Fish	McClintic, Okla.	Tucker
Carter, Wyo.	Fishburne	McDuffie	Turpin
Cary	Flannagan	Maas	Underwood
Celler	Freeman	Mitchell	Weaver
Chapman	Fulmer	Montague	Welsh, Pa.
Chase	Gibson	Murphy	Wood, Ind.
Clark, N. C.	Gifford	Nelson, Wis.	Woodrum
Collier	Golder	Norton, N. J.	Yates
Colton	Granfield	O'Connor	Yon
Connery	Hartley	Oliver, Ala.	
Connolly	Hollister	Oliver, N. Y.	

So the resolution was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Flesinger (for) with Mr. Turpin (against).  
 Mr. Drewry (for) with Mr. Bacon (against).  
 Mr. James (for) with Mr. Seiberling (against).  
 Mr. Yon (for) with Mr. Kurtz (against).  
 Mr. Curry (for) with Mr. Johnson of South Dakota (against).  
 Mr. Karch (for) with Mr. Maas (against).  
 Mr. Browning (for) with Mr. Smith of Idaho (against).  
 Mr. Eslick (for) with Mr. Woodrum (against).  
 Mr. Collier (for) with Mr. Granfield (against).  
 Mr. Boylan (for) with Mr. Bohn (against).  
 Mr. Byrns (for) with Mr. Gifford (against).  
 Mr. Ragon (for) with Mr. Gibson (against).  
 Mr. Chapman (for) with Mr. Fulmer (against).

General pairs:

Mr. Crisp with Mr. Bacharach.  
 Mr. Corning with Mr. Davenport.  
 Mr. Rayburn with Mr. Hollister.  
 Mr. Oliver of New York with Mr. Wood of Indiana.  
 Mr. Montague with Mr. Connolly.  
 Mr. Brunner with Mr. Murphy.  
 Mr. McDuffie with Mr. Kendall.  
 Mr. Kennedy with Mr. Burdick.  
 Mr. Underwood with Mr. Andrew of Massachusetts.  
 Mr. Auf der Heide with Mr. Crowther.  
 Mr. Weaver with Mr. Shreve.  
 Mrs. Norton with Mr. Yates.  
 Mr. Pou with Mr. Jenkins.  
 Mr. Sullivan of New York with Mr. Golder.  
 Mr. Lindsay with Mr. Fish.  
 Mr. Lamneck with Mr. Dyer.  
 Mr. Abernethy with Mr. Perkins.  
 Mr. Tucker with Mr. Brand of Ohio.  
 Mr. Connery with Mr. Colton.  
 Mr. O'Connor with Mr. Erk.  
 Mr. Oliver of Alabama with Mr. Johnson of Washington.  
 Mr. McClintic of Oklahoma with Mr. Hartley.  
 Mr. Bloom with Mr. Lankford of Virginia.  
 Mr. Allgood with Mr. Britten.  
 Mr. Celler with Mr. Johnson of Illinois.  
 Mr. Drane with Mr. Stokes.  
 Mr. Sabath with Mr. Tinkham.  
 Mr. Brand of Georgia with Mr. Estep.  
 Mr. Kerr with Mr. Freeman.  
 Mr. Clark of North Carolina with Mr. Doutrich.  
 Mr. Dickstein with Mr. Carter of Wyoming.  
 Mr. Evans of Montana with Mr. Nelson of Wisconsin.  
 Mr. Prall with Mr. Lovette.  
 Mr. Sweeney with Mr. Sullivan of Pennsylvania.  
 Mr. Shallenberger with Mr. Cooke.  
 Mr. Dickinson with Mr. Chase.  
 Mr. Sirovich with Mr. Fishburne.  
 Mr. Cary with Mr. Mitchell.  
 Mr. Lewis with Mr. Bolland.  
 Mr. Burch with Mrs. Owen.  
 Mr. Flannagan with Mr. Igoe.

Mr. JAMES. Mr. Speaker, if permitted to vote, I would vote "aye."

The SPEAKER. Was the gentleman present in the Chamber and listening when his name was called?

Mr. JAMES. I was not.

The SPEAKER. The gentleman does not qualify.

Mr. BYRNS. Mr. Speaker, I would like to vote "aye."

The SPEAKER. Was the gentleman present in the House and listening when his name was called?

Mr. BYRNS. I was not.

The SPEAKER. The gentleman does not qualify.

Mr. FULMER. Mr. Speaker, just as I entered the Chamber I heard my name called, but I was unable to answer.

The SPEAKER. The gentleman does not qualify.

Mr. FULLER. Mr. Speaker, my colleague the gentleman from Arkansas, Mr. RAGON, is unavoidably absent. If present, he would vote "aye."

Mr. MARTIN of Massachusetts. Mr. Speaker, my colleague the gentleman from Massachusetts, Mr. GIFFORD, is unavoidably absent. If present, he would vote "no."

The result of the vote was announced as above recorded.

## PRIVATE CALENDAR

Mr. BANKHEAD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House for the consideration of bills on the Private Calendar, with Mr. BANKHEAD in the chair.

The CHAIRMAN (Mr. BANKHEAD). The House is in Committee of the Whole House for the consideration of bills on the Private Calendar under clause 6 of Rule XXIV of the House.

The Clerk will call the first bill on the Private Calendar.

## FRANKLIN D. CLARK

The Clerk called the first bill on the Private Calendar, H. R. 927, for the relief of the estate of Franklin D. Clark.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Chairman, reserving the right to object, I think it might be well, Mr. Chairman, for the distinguished Chairman of the committee to state, as this is the first bill to be considered under the new rule adopted by the House about six weeks ago, what the privileges of the Members are with regard to objecting, and in the consideration of the bills.

As I understand, a Member who is opposed to a bill may have the right to proceed for five minutes. Then the Member in favor of the bill may proceed for five minutes. Then the Chair is obliged to submit the question whether the bill shall be considered, and if three objections are made, it goes over. If not, it is given consideration.

The CHAIRMAN. The Chair so understands the rule.

Mr. STAFFORD. Mr. Chairman, I ask for recognition in opposition to the bill.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. STAFFORD. Mr. Chairman, when this bill was originally called for consideration I asked the indulgence of the House for five minutes to read a decision found in Forty-fourth Federal, page 516, which upheld the right of the Board of Managers of the Soldiers' Home to withdraw pension money, which the inmates have received from time to time, and transfer it to the post fund. I then stated that had it not been for the fact that during the six years I was out of Congress I had a most worthy case, on which occasion I looked up the law, I would not stand here and cite the law and register my opposition to a bill that has been introduced by my colleague the gentleman from Wisconsin [Mr. SCHAFER].

The case that came to my attention was a very meritorious case and the facts were similar to the case here. Congress established the policy that as far as pension money was concerned, where there is no widow or minor child living, the money may be transferred to the post fund; and if there is no widow or minor child living, then the estate will not have the right to get the fund. I have here a well-considered opinion upholding a former Member of the House, Judge Peters, in the United States district court, in which the respective laws of Congress are construed, and in which they uphold the right of the Congress.

I will only read very briefly, because I do not wish to take up more time than necessary. This is the most recent decision, rendered in 1930. I read:



The construction contended for by the Government in this case, and upheld in the court below, appears to be the only reasonable one. The intent of Congress, by which it is provided that every inmate of a home, on entering the home, enters into an agreement that all personal property he may possess at his death, in case he dies in the home, leaving no heirs at law or next of kin, and not disposed of by will, shall vest in the Board of Managers of the home for the benefit of the "post fund" of the home.

In this case there were two executors appointed. There was a will, where the property had been transferred over, and yet the circuit court of appeals upheld the decision of the lower court and held that that was the intent of Congress.

I was in this body when the law was passed as a rider on an appropriation bill. The law had as its basis the protection of the Government, and provided that if we are paying pension money to inmates of the home, it should have the right to withdraw it for the benefit of the post fund, and that it should not be diverted from the post fund unless a widow or minor children survived.

Mr. COCHRAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. COCHRAN of Missouri. The decision the gentleman just read states, "unless the man leaves next of kin or a will."

This man left next of kin, a daughter, with several children; and he left a will. In that will he stipulated he wanted her to have the money for the benefit of the children, and he specifically provided that he did not want a certain son to have any of the money.

Does the gentleman mean to say he does not want the grandchildren of this man who left a will to have his money at his death? They are not friends; they are children of his daughter.

Mr. STAFFORD. I take the position that the Congress of the United States has established a policy in the enactment of a law, and it is not right to have a special law for one set of favorites and another law for others.

Mr. Chairman, I object.

Mr. COCHRAN of Missouri rose.

The CHAIRMAN. Does the chairman of the committee desire recognition?

Mr. COCHRAN of Missouri. Mr. Chairman, I desire to yield to the gentleman from Massachusetts, the author of the bill.

The CHAIRMAN. Under the rule the gentleman from Missouri, the chairman of the committee, is entitled to recognition for five minutes.

Mr. COCHRAN of Missouri. Mr. Chairman, the gentleman from Wisconsin [Mr. STAFFORD] has read the decision handed down by the court in 1930.

The decision stated that where the soldier did not leave next of kin, or a will, the money was to revert to the home. If that were the case in this bill, there would be no use to take up the time of the committee arguing. This soldier accumulated over \$1,000. I repeat he left a will, in which he provided that the money should go to the children of his daughter, whose husband, as I recall it, was sick and could not work.

The committee brought the governor of the soldiers' home to Washington and kept him here for two days, not only on this bill but in order to go into the entire question. At that hearing it was disclosed that money properly belonging to veterans and their heirs was being diverted to the post fund. The post fund is supposed to be used for the purpose of providing amusements, and so forth, for the inmates of the home. However, it was disclosed in the hearings that money in the post fund had even been used to buy fire apparatus.

We are considering a clean-cut case where a veteran of the Civil War wanted what he possessed left to the children of his daughter and specifically provided in the will that his son should receive none of it.

Mr. DALLINGER rose.

Mr. COCHRAN of Missouri. I yield to the gentleman from Massachusetts.

Mr. DALLINGER. Mr. Chairman, I reported this bill after a hearing before a subcommittee, and it was subsequently—

Mr. STAFFORD. Mr. Chairman, I rise to a question of order.

The CHAIRMAN. The gentleman makes the point of order the gentleman from Missouri can not yield any of this time to the gentleman from Massachusetts. The point of order is well taken.

Mr. COCHRAN of Missouri. Mr. Chairman, I yield to the gentleman from Massachusetts; I do not yield the floor.

The CHAIRMAN. The gentleman from Missouri is entitled to the floor. The gentleman from Missouri, in the opinion of the Chair, can yield to the gentleman from Massachusetts for a question or for a statement.

Mr. COCHRAN of Missouri. Mr. Chairman, I yield to the gentleman from Massachusetts to refresh my memory on what occurred in the subcommittee.

Mr. DALLINGER. Mr. Chairman, our subcommittee found that the United States Code, section 136 of title 24, which gives the intention of Congress in regard to this matter, states that personal property owned by such applicant at the time of his death, including money and choses in action held by him and not disposed of by will, shall go to the home.

In this case the man left a will. It is perfectly evident that never did Congress intend that money which belonged to a man should not go to the people to whom he left it by his will.

Mr. COCHRAN of Missouri. Mr. Chairman, I think the chairman of the subcommittee has properly presented this case to the committee.

Mr. SCHAFER. Will the gentleman yield?

Mr. COCHRAN of Missouri. Yes.

Mr. SCHAFER. Is it not a fact that after holding extensive hearings and after Mr. Wood, the president of the Board of Managers of the National Home for Disabled Volunteer Soldiers, had testified, the subcommittee of the Expenditures Committee unanimously recommended favorable action on the bill and so reported to the full committee, and that then the full committee voted the bill out without a dissenting vote, after considering the facts brought to its attention by the subcommittee?

Mr. COCHRAN of Missouri. That is a fact. Further than that, the committee was to consider legislation amending this law.

Mr. SCHAFER. It was the opinion of the committee that the Board of Managers had specifically violated clear mandatory provisions of law written by Congress.

Mr. COCHRAN of Missouri. That was brought out not once but half a dozen times.

Mr. EATON of Colorado. Will the gentleman yield?

Mr. COCHRAN of Missouri. Yes.

Mr. EATON of Colorado. This case and others like it are all based upon the technical consideration of the law by the comptroller without looking back either into the law under which he is acting or the preceding laws which were re-enacted in the statute of 1910.

Mr. COCHRAN of Missouri. To a certain extent that is true.

[Here the gavel fell.]

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Chairman, I object.

The CHAIRMAN. Three objections are required. The Chair hears but one objection. The Clerk will report the bill.

Mr. STAFFORD. Mr. Chairman, will the Chair permit me to submit a parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. I wish to state to the Chair that I think I inadvertently misled the Chair into the ruling made a moment ago. The rule, as the Chair will see, provides an initial 10 minutes of general debate, 5 minutes controlled by the Member offering the objection or reservation and 5 minutes controlled by the chairman of the committee report—



ing the bill or in his absence by any Member supporting the bill. I think the word "controlled" would grant to either the Member objecting or reserving the right to object, and to the chairman of the committee or the proponents of the bill the right to control five minutes' time. I would like to have a ruling by the Chair on that, as we are starting on this initial procedure.

The CHAIRMAN. Without very carefully examining the rule, the Chair is inclined to accept that interpretation.

Mr. BACHMANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BACHMANN. Mr. Chairman, does that mean that the Member in control of the time may yield time to some other Member of the House?

The CHAIRMAN. He can yield for a statement or a question.

Mr. SWING. Mr. Chairman, may I follow that with another parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. SWING. Frequently the chairman of the committee does not know the facts. There should be a liberal interpretation in order to get the facts before the committee. It seems to me the chairman should be permitted to yield to the Member who is the author of the bill, if he so desires.

The CHAIRMAN. If the gentleman from California will refresh his recollection about the rule, he will find that under the rule the control of the time is specifically given to the chairman of the committee, or, in his absence, to some Member who is in favor of the bill.

Mr. SWING. I think he ought to be permitted to yield time.

The CHAIRMAN. That question is not before the Chair at this time. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the board of managers of the National Home for Disabled Volunteer Soldiers is hereby directed to pay to the executor of the estate of Franklin D. Clark, late of Company F, Twenty-eighth Regiment Wisconsin Volunteer Infantry, Civil War, \$1,468, which was the amount of undrawn pension in the hands of said Board of Managers at the time of the death of the veteran, and which amount was not paid to the executor of the estate as directed in said Franklin D. Clark's last will and testament dated May 19, 1922, but diverted into the post fund of the National Home for Disabled Volunteer Soldiers.

The CHAIRMAN. Is there any opposition to the bill? If not, the Chair will recognize the chairman of the committee to make a motion that the bill be laid aside, to be reported back to the House with a favorable recommendation.

Mr. COCHRAN of Missouri. Mr. Chairman, I move that the bill be laid aside to be reported back to the House with a favorable recommendation.

The motion was agreed to.

Mr. EATON of Colorado. Mr. Chairman, I ask unanimous consent to insert at this point a short brief upon the subject covered in this bill, and which gives the history of the statutes.

The CHAIRMAN. Is there objection?

There was no objection.

The brief is as follows:

This is H. R. 927, introduced by Mr. SCHAFER, for the relief of the estate of Franklin D. Clark. It is No. 1 on the Private Calendar. A Civil War veteran at the National Home for Disabled Volunteer Soldiers saved a part of his pension money and by will devised his saved pension, but upon request of the executor of his estate payment was refused by the Comptroller General of the United States.

The gentleman from Wisconsin [Mr. STAFFORD] has objected to this bill and cited in support of his position *Durack v. National Home for Disabled Volunteer Soldiers* (44 Fed. (2d), 516), which is a decision by the United States Circuit Court of Appeals of the First Circuit of a Maine decision.

The decision refers to the statutes of 1881, 1882, 1902, 1910, and 1912 and supports the action of the home in refusing to pay money to an executor, but that case does not show that the soldier willed any part of the money to any person, as appears here.

The act of 1881, as amended in 1882 and 1912, provided for disposition of the balance of pension money on discharge of veteran in express words. The act of 1881 and its amendment in 1882 designated the disposition of funds in case of death of veteran, and

included "legal representatives" in the classification of those who were rightful beneficiaries.

By act of 1902 the class was limited to widow, minor children, or dependent mother or father, in order named.

The act of 1910 did not change the previous statutes, but prescribed the contract to be entered into with a veteran and provided that all personal property owned and held by the veteran at the time of his death, "and not disposed of by will, whether such property be the proceeds of pensions or otherwise derived" should pass to the post fund of the home. I emphasize—only the money not disposed of by will might go to the home. As a matter of construction and good faith, note that by the contract required by statute to be made, there is expressly reserved and saved to the veteran the right to dispose of his personal property by will, including money saved from his pension.

This right has not been the subject of any legislation since 1910.

In 1912 a statute amended some details of the then existing statute in regard to the payment of pensions and forgery of endorsements upon pension checks, and contained a saving clause stating that it should not "be construed as amending or repealing" the statute of 1882. No reference was made to the statute of 1902 limiting the class to "widow, minor children, or dependent mother or father."

Now, what is the necessary and logical conclusion? Whatever reasons may be advanced for the passage of the act of 1910, it is clear that in the next session of Congress it was intended to give full faith and credit to the statute of 1882 and to declare what property rights might be the subject of the contract by which the right of the veteran to enter the home was defined.

One of those rights was to dispose of his unused pension by will. Of what benefit is the right if the exercise of it is denied? Are the words to be entirely disregarded because the next Congress expressly saves the law as it was prior to 1910 and 1902 and leaves in existence the old laws of 1881 and 1882 as incorporated therein?

I submit that the conclusion must be that when the statute of 1912 prescribed only the manner of payment of the pension money and provided punishment for forgery of a pension check, its words and saving clause should not be perverted to cover the disposition of the money after it had been deposited in the home by or on behalf of the veteran, and that his statutory contractual right should be respected.

Therefore, if the veteran did dispose of his pension savings and other personal property by will, his testamentary disposition is to be respected as to any property willed to a named legatee, and no ruling of the Comptroller General should interfere therewith.

Under the circumstances shown in the report of this bill, Congress should pass this relief bill to order payment of the money to the executor for delivery to the legatee named in the will.

I suggest that the committee reporting this bill have drafted a new statute expressly repealing all of the old ones hereinabove referred to, saving any and all rights accrued thereunder, and either make the new statute conform with the 1910 statute or else amend the latter so that no more similar disputes may arise.

WILLIE LOUISE JOHNSON

The Clerk called the next bill, H. R. 799, to extend the benefits of the employees' compensation act of September 7, 1916, to Willie Louise Johnson.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Chairman, reserving the right to object—

Mr. BLACK. Mr. Chairman, do I understand the gentleman objects?

The CHAIRMAN. Under the rule the gentleman from Wisconsin is entitled to recognition for five minutes.

Mr. STAFFORD. I did not get much support when the former bill was under consideration, but I was consistent in my position. I had taken that same position when the bill was first considered. I gave the committee the benefit of the study I had made of the matter and I did not receive much support. So I do not know whether my position in respect to this bill will have any support.

Mr. Chairman, this bill, according to the report of this Congress, as well as the last Congress, shows that this claim was submitted to the United States Employees' Compensation Commission and that commission turned it down.

I may say right here I do not intend to go through with this seemingly wasteful effort in trying to protect the Treasury if I am not to receive some support. The Treasury means no more to me than it does to you. I am frank in my position. I am not trying to take up any time unnecessarily. I have gone over this report and I am going to state my position. I am not seeking to prevent any person getting his just deserts.



Now, what do the facts show? Here is a claim that was presented in due season immediately after the accident. The man was employed in the navy yard and had a slight abrasion or contusion on the head. The Employees' Compensation Commission found that this accident did not cause the death of this man and turned the claim down. Now, this bill provides "It is hereby authorized and directed," which is a mandatory provision against the position taken by the Employees' Compensation Commission, that this injury did not result in this man's death, but did result in his death.

Mr. BLANTON. Will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from Texas.

Mr. BLANTON. I simply want to find out "where we are at." There are 809 bills on this calendar, some of them involving several hundred thousand dollars. Under the new rule if a Member can not get up here and in five minutes convince his colleagues that the bill ought not to be passed the measure passes ipso facto. Is not that the situation?

Mr. STAFFORD. Surely.

Mr. BLANTON. Where will that lead?

Mr. STAFFORD. It will lead to hundreds of thousands of dollars being drained out of the Federal Treasury, and this was the position I took in opposing this rule before the Committee on Rules.

Mr. BLANTON. It will mean governmental bankruptcy practically. That is what it is going to mean. And we must organize and stop these bad bills from passing.

Mr. STAFFORD. I took that position, as I have stated, before the Committee on Rules and stated that the Democratic majority of the House in these times could not afford to adopt such a policy. We are trying it out now.

Here is the statement of the Assistant Secretary of the Navy on this bill:

In drilling holes in a tank the motor hung, causing him to fall and strike his face against the edge of the tank, causing a contusion of the right side of the face. He was attended by the medical officer of the yard, but was not incapacitated as the result of this injury nor did he lose any time on account thereof.

I submit the matter to you. I have done my duty and I am not going to take up any further time.

I object, Mr. Chairman.

Mr. BLACK. Mr. Chairman, I yield three minutes to the gentleman from Virginia [Mr. LANKFORD].

Mr. LANKFORD of Virginia. Mr. Chairman, I would like to say to the gentleman from Wisconsin that this is the case in which I gave him the report of the coroner's inquest.

It was not the blow on the head that caused his death. Here was a man who had been working for 20 years and had not missed a day for over a year. The machine struck him over the kidneys, and within four or five days after this blow the man died.

Mr. STAFFORD. I have fallen in sawing off limbs of trees and have fallen on my head, and I have never made any claim against anybody.

Mr. LANKFORD of Virginia. Within four or five days after this accident this perfectly healthy man died. The doctor made a wrong diagnosis in the case.

Mr. BLANTON. Mr. Chairman, there are more than three objectors here; why take up any more time with this bill?

The CHAIRMAN. The Chair will state to the gentleman that we have not reached that stage in the procedure.

Mr. LANKFORD of Virginia. Mr. Chairman, I hate to take up the time of the committee unnecessarily, but I am thoroughly convinced of the justice of this case. Here was a perfectly healthy man, who had worked for 20 years and had not missed a day in the last year. He received this blow in the side and died in four days. The naval surgeon who attended him said he had hysteria within a few hours of the time of his death. They also called in a private physician, who properly diagnosed his trouble, but the man died in the greatest agony. He has left a widow who is practically penniless and helpless. This is a case where the United States Compensation Board turned the claim down on the basis of the diagnosis of the naval doctor, which I submit was a mistake.

The blow which this man received was over the kidneys, and that is what killed him.

I wanted to give the committee the facts, and these are the facts in the case.

The CHAIRMAN. Is there objection?

Mr. PATTERSON, Mr. BLANTON, Mr. STAFFORD, and Mr. GRISWOLD objected, and the bill was referred to the deferred list.

HOWARD LEWTER

The Clerk called the next bill, H. R. 808, to extend the benefits of the employees' compensation act of September 7, 1916, to Howard Lewter.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Reserving the right to object, to-day a procedure is being inaugurated radically different from that under prior calls of this Private Calendar. I might say to those who have not attended night sessions that it has been the rule of those who have been charged with scrutinizing the Private Calendar not to extend the privileges of the compensation act, which was passed in September, 1916, to any injury that occurred prior to that date. This bill seeks to extend the compensation act of 1916 back to an injury happening in 1913. It would be quite a heavy burden if we opened up the Treasury to claims of all kinds for injuries that happened prior to 1916, as this bill proposes.

There was an act in force prior to 1916, which granted a year's compensation to all who received injuries in the Government service.

Now, I think that mere presentation shows that it would be unwise policy to open up the gates of the Treasury to injuries that occurred prior to 1916.

Mr. MOUSER. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. MOUSER. There are a number of cases where injuries occurred prior to 1916, where claims would be made if this bill establishes such a precedent.

Mr. STAFFORD. Yes; there are hundreds of them.

Mr. EATON of Colorado. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. EATON of Colorado. This is a typical case, where the claimant was entitled to compensation under the old law, but payment was completed before the compensation law of 1916 went into effect. Now, 16 years after the compensation law went into effect, he comes in and wants to be reinstated, and asks for full compensation for the intervening 16 years and from now on.

Mr. STAFFORD. Not only that, but he asks us to establish a policy of allowing compensation beyond 1916.

Mr. BLANTON. And the department says that the bill if enacted would give the claimant greater compensation than was allowed by the legislation in force at the time of the injury.

Mr. COCHRAN of Missouri. Mr. Chairman, the objectors seem to be adopting a policy for the entire House. As we all know, three Members can stop the passage of one of these bills. I believe it is very important to get more information as to the interpretation of the rule that we are working under.

Mr. STAFFORD. Let me say that I stated the policy that we were working under, those of us who are charged with the duty of scrutinizing these bills.

Mr. COCHRAN of Missouri. Well, the whole House is charged with that, if it does its duty.

Mr. STAFFORD. That same observation applies to those unconscionable claims that are reported from the Committee on Claims.

Mr. COCHRAN of Missouri. Let me ask the gentleman—

Mr. STAFFORD. Mr. Chairman, I decline to yield further. The gentleman can make a statement in his own time. Mr. Chairman, I merely stated what I thought should be the policy, and it rests with the House to determine whether we should follow that policy or not. If we are going to adopt a policy that every person injured prior to the compensation act of 1916 is to be entitled to the benefits



of that act, let us be fair and pass general legislation, and not favor this one or that one under political favoritism.

Mr. BLACK. Mr. Chairman, if I have a right to yield the time, I yield to the gentleman from Virginia [Mr. LANKFORD].

Mr. LANKFORD of Virginia. Mr. Chairman, I want to explain the reasons for filing this claim. This boy is the son of an old colored woman, almost 80 years of age. He is a cripple, he is on crutches, and can not walk without the crutches and a cane. He has been in that condition for 16 years. It seemed to me that if there ever was a case which deserved consideration of the Government it is this case. He was climbing up an electric pole in the navy yard and was shocked. He fell; and he will be in that condition all of his life, with this old colored woman his only support, and she is between 70 and 80 years of age. She can hardly walk. If you are going to adopt the rule that you will not go back of any of them, I have nothing to say. This is a pathetic case, and I felt justified in asking the consideration of Congress for it.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. MOUSER, Mr. EATON of Colorado, Mr. STAFFORD, and Mr. BLANTON objected, and the bill was referred to the deferred list.

#### MORRIS DIETRICH

The next business on the Private Calendar was the bill (H. R. 1034) for the relief of Morris Dietrich.

The Clerk read the title of the bill.

The CHAIRMAN. Is there objection?

Mr. PATTERSON. Mr. Speaker, I object.

Mr. BLANTON. I object.

Mr. EATON of Colorado. I object.

The CHAIRMAN. Under the rule, the sponsor of the bill or the chairman of the committee has a right to explain its provisions.

Mr. PATTERSON. Mr. Chairman, I rise to a point of order. I quote from the rule:

When the Clerk shall have read the bill the same shall be considered unless objection or reservation of objection is made to immediate consideration. Should objection or reservation of objection be made there shall be 10 minutes' general debate to be divided, 5 minutes controlled by the Member offering the objection or reservation, and 5 minutes controlled by the chairman of the committee reporting the bill, or in his absence by any Member supporting the bill. If, after such debate, three objections are not forthcoming the bill shall be considered under the 5-minute rule: *Provided, however*, That the total debate under the 5-minute rule shall not exceed 20 minutes.

The CHAIRMAN. The Chair is familiar with the rule. What is the gentleman's point of order?

Mr. PATTERSON. The point of order is that three objections will cut off debate.

The CHAIRMAN. That is not the construction of the rule by the Chair. A careful reading of the rule it seems to the Chair would lead to the fair construction that, although the objection of three Members will prevent the consideration of the bill and send it to the deferred list, at least the spirit and even the letter of the rule provides that opportunity be given to those who desire to explain the bill and for those making the reservation of objection to be heard. In the opinion of the Chair that is a right conferred upon the members of the committee, and the Chair overrules the point of order. In the opinion of the Chair the reason for that construction is that if a reasonable opportunity be given to debate the merits of the bill it might remove possible objection to its consideration. Is there objection?

Mr. PATMAN. Mr. Chairman, I reserve the right to object.

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. PATMAN. Mr. Chairman, instead of criticizing the Members of the House who are spending so much of their time investigating these bills, I commend them. I know it requires a great deal of time and effort to properly prepare themselves to present their objections to the House. They have to read the reports of committees and they have to get

information from the different departments. They have to spend considerable time and go to lots of trouble that otherwise they would not have to do. I have not been spending any time on these private bills because I have not had the time, and I was perfectly willing to accept the judgment of the gentleman from Texas [Mr. BLANTON] and the judgment of the gentleman from Wisconsin [Mr. STAFFORD] and other Members of the House who have been giving these private bills considerable attention and study. I think the old rule is a better rule than this one.

I want to invite attention to criticisms that have been urged against Members of the House of Representatives that I do not think should be urged. I have before me a statement that is being published all over the country against Members of the House of Representatives. It is untrue. It is unwarranted. The facts do not justify it at all.

It is as follows:

Not many of us ever thought that we were furnishing Congressmen and Senators free eating in the congressional café, but we are. We doubt if any of us ever thought we furnished a most elegant barber shop in the Capitol Building, where our lawmakers, between their speeches on economy, can have hair cuts and shaves, shampoos, hair and whiskers dyed, blackheads extracted from the noble noses of the solons, and shoes shined, all free; but we do.

Did you know we pay for a free shaving mug for every one of these Representatives and Senators and that we pay \$36 a dozen for golf balls for them to play with?

The above statement appeared in the Marshall Morning News, Marshall, Tex., under the heading Public Office a Private Snap, and has been reprinted in other newspapers. It is an amazing statement. I am unwilling to be put in the attitude of condoning such outrageous conduct. There is a café in the House wing of the Capitol. It is a great convenience to the Members. It is quite a distance from the Capitol to the nearest point where a café could be located on private property. Congress meets at 12 o'clock noon. Members usually attend committee meetings until the House meets. By getting their noonday meals at the Capitol they are near by in the event of a vote or other important proceedings. The café does not render free service. The price charged is higher than any café I have ever visited in Washington. It is necessary to charge high prices so as to make it self-sustaining, since there is only one meal served each day. A barber shop is also maintained in the Capitol for the convenience of the Members of the House of Representatives. The price of a shave is 25 cents. The price in most of the shops in Washington is 20 cents. Hair cuts are 60 cents. The price in most of the shops in Washington is 40 cents and none over 50 cents. Shoe shines are 10 cents, the customary price. I have not received any of the other services mentioned in the newspaper item; but my information is that every service is charged for and no Member of the House of Representatives receives free service in a barber shop but pays a higher price than is charged in other shops in the city. No Member of the House has a shaving mug furnished to him free, neither is he furnished golf balls.

#### MOTHER-IN-LAW ON PAY ROLL

The item states further:

And not only this but it appears that the great majority of these servants (?) of ours have their relatives on the Government pay rolls, wives, sons, daughters, nephews, nieces, mothers-in-law, brothers-in-laws, and all kinds of in-laws.

I can not speak for other Members. I do know that I have never placed a relative on my pay roll. I have a secretary and an assistant secretary who earn their salaries, and who are paid by the Government. It is often necessary to have an additional employee in my office, and to have considerable stenographic and clerical work done by others. When this is necessary, it is done without expense to the Government, and without deductions from the salary of either of my employees.

#### CONDUCT OF A PUBLIC OFFICIAL

I have always maintained that a public office is a public trust; that an officeholder should so conduct the people's business that no criticism of his official conduct would be corroborated by unexplained facts. We should not do things



that are all right, but have to be explained; and certainly it is wrong for an officeholder to do something secretly that he would not do publicly. Much has been said about the pay rolls of the Members being secret. I made a speech in the House May 9, 1932, in which I denounced the policy of expending public funds secretly. All public funds should be expended subject to public inspection. To-day a resolution was passed permitting public inspection of all current expenditures of the House of Representatives. A law should be passed making all income-tax returns subject to public inspection. Tax money is collected and refunded in secret. All expenditures of the Reconstruction Finance Corporation should be subject to public inspection. Secrecy is a badge of fraud. When the tax bill was before the House I endeavored to secure the passage of an amendment making all tax returns and refunds subject to public inspection; the amendment lost. I hope such an amendment is put on in the Senate.

As a member of the Legislature of Texas for four years, and as district attorney of the fifth judicial district of Texas for five years, and as a Member of Congress for three years, it has been my policy not to accept free services of any kind—not even tickets to theaters or passes on railroads or busses. I have tried to refrain from placing myself in a position that might make it the least embarrassing for me to do my full duty in compliance with my oath of office.

#### CONGRESSMEN SUBJECT TO INCOME TAX LAWS

The report is being circulated that Members of Congress do not have to pay income taxes on their salaries. This is untrue. They pay income taxes the same as other people. Members of Congress have also voted at this session a reduction in their own salaries and voted to increase the income-tax rate on their incomes. In addition, a reduction has been voted for mileage and stationery allowance. Some people seem to think that if Congressmen would reduce their own salaries 50 per cent the deficit would be overcome. If Congressmen did not draw salaries for one year it would save the income-tax payer 15 cents on every \$100 payment; if reduced 50 per cent, it would save 7½ cents on every \$100 collected from income-tax payers.

#### DEAR DOLLARS AND CHEAP COMMODITIES OUR PRINCIPAL TROUBLE

The people have a right to complain about high taxes. However, it is not the increased governmental expenditures that is the whole cause of the trouble. It is the increased purchasing power of the dollar that has doubled taxes. A few greedy bondholders and other selfish interests that have charge of the financial system of the Government have caused a contraction of credit and the slowing up of the velocity of money and credits until every dollar is worth from two to four dollars measured in the commodities that our debts are paid in on the basis of the value of the dollar at the time most of the debts were contracted.

A correction of the money system will correct practically if not all our economic troubles.

Mr. PATTERSON. Mr. Chairman, a point of order.

The CHAIRMAN (Mr. BANKHEAD). If the gentleman will allow the Chair to make a statement, I think the Chair may anticipate what the gentleman has in mind.

A question has been raised, and upon it the present occupant of the chair rendered an opinion which, upon reflection and reconsideration, the Chair now believes was erroneous and improper.

A question was raised whether or not a proper construction of the rule did not provide that if there were instantly three objections to the consideration of a bill that would carry it over to the "deferred list," without the privilege of occupying the 10 minutes of debate.

In the opinion of the Chair, in reflecting upon the discussions upon the adoption of the rule before the Committee on Rules, and by a very careful reading of the proviso in the rule, the Chair is clearly of the opinion that the somewhat hasty decision reached a few moments ago is in error, and the Chair is now of the opinion that if a bill is called and three members of the committee rise and object to its consideration that automatically carries it to the "deferred list."

Mr. LINTHICUM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LINTHICUM. That is not the way the rule reads, Mr. Chairman.

The CHAIRMAN. The Chair is of the opinion that that is the proper construction of the rule.

Mr. LINTHICUM. I thought the reservation of objection was to give a Member a chance to explain his bill so that the House could know what the bill was before the time came for objection; and certainly the rule reads that way.

Mr. BUSBY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BUSBY. The rule further states that on reservation of objection the person making the reservation has the right to control five minutes of time allotted. Does the Chair construe the word "control" as requiring the one who makes the reservation of objection to actually use that time himself, or to control it in the sense that that term is usually used when a certain amount of time is allotted that may be re-allotted by the person controlling the time?

The CHAIRMAN. The Chair has ruled upon that proposition. The ruling may be in error, but the Chair is convinced that the rule itself anticipated that the gentleman being recognized should control the time, five minutes, if he desired, and that he should not parcel it out by one minute or two minutes or one-half minute.

Mr. BUSBY. And that in order to control it he must use it himself?

The CHAIRMAN. That is the opinion of the Chair.

Is there objection to the present consideration of the bill?

Mr. BLANTON, Mr. STAFFORD, and Mr. EATON of Colorado objected, and the bill was referred to the deferred list.

Mr. LINTHICUM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LINTHICUM. When a gentleman objects to a bill, the rule provides that then there shall be 10 minutes' debate on the bill.

The CHAIRMAN. The rule does not provide for five minutes' debate if three objections are made. It is immediately carried to the deferred list.

Mr. FRENCH. Would the Chair hear me upon that particular construction?

The CHAIRMAN. Certainly. The Chair will hear the gentleman from Idaho.

Mr. FRENCH. It seems to me that the effect of the three objections made would be to leave discussion for five minutes on each side, and then if the three objections are persisted in, the bill would pass to the deferred list. On the other hand, if three objections are not had at the expiration of the 10 minutes, then further discussion would be had to the extent of 20 minutes. It seems to me that that is the meaning of the rule. The purpose of the 5-minute discussion on a side is to determine whether or not the objections or reservations may be withdrawn. It will be noted also that this 10-minute discussion is not included as part of the 20 minutes under the 5-minute rule.

Mr. BRIGGS. Mr. Chairman, if that is not the meaning of the rule, then what does the rule mean when it provides there be 10 minutes general debate?

The CHAIRMAN. It reads:

After the debate hereinbefore referred to, or when the bill is first called, if objection is made by three Members to the consideration of the bill, then the same shall be passed over and carried to a list designated as "deferred."

#### ESTATE OF KATHERINE HEINRICH

The Clerk called the next bill, H. R. 1130, a bill for the relief of the estate of Katherine Heinrich (Charles Grieser and others, executors).

Mr. MOUSER. Mr. Chairman, I reserve the right to object.

Mr. Chairman, I dislike to raise an objection to a measure introduced by the gentleman from Idaho [Mr. FRENCH] who is a very conscientious legislator, but in this instance it is



quite apparent the executor of the estate, the claimant for relief because of an excessive amount paid by virtue of the Federal estate tax, slept on his rights and was guilty of laches.

Under the law it was necessary to file within a period of four years an application for refund of excessive payments growing out of Federal estate taxes. In this instance the executors, through their attorneys, are supposed to have mailed a claim for refund to the internal revenue collector in Idaho. The letter was not sent by registered mail, or by special delivery, but by ordinary mail. There apparently was no inquiry addressed to the Internal Revenue Department of the Treasury within a period of four years. Finally, about a month after the expiration of this time, a second application was filed and received.

It seems to me the claimant has clearly slept upon his rights, and that it is a bad precedent to permit a refund of this nature under the facts as reported by the committee. Therefore, at the proper time I shall be compelled to enter my objection.

Mr. BLACK. Mr. Chairman, I yield to the gentleman from Idaho [Mr. FRENCH].

Mr. FRENCH. Mr. Chairman, the pending bill provides for the refund of \$494.84 to the estate of the late Katherine Heinrich (Charles Grieser and others, executors), Genesee, Idaho, on account of an overpayment in this amount of Federal estate tax. The tax was paid November 10, 1921. The gentleman from Ohio has stated briefly the situation with this exception, that application for refund was made within a period of four years provided by law. In this particular case application for refund would need to have been made prior to November 10, 1925. As a matter of fact, application was made through the attorney for the claimants on March 6, 1923, or two and one-half years within the time fixed by law. The gentleman stated correctly that the application was not inclosed in a registered letter or sent by special delivery mail. It was mailed as ordinary mail. I have furnished the committee an affidavit of the lawyer, Mr. C. J. Orland, of Moscow, Idaho, who represented the executors to the effect that the executors did make the application and that they executed the application on forms or blanks furnished and that he found within his files a carbon copy of his letter of transmittal addressed "Collector's Office, Boise, Idaho," and dated March 6, 1923, and that to his best remembrance and belief he deposited said letter and application for refund in the post office at Moscow, Idaho.

Mr. Grieser, one of the executors, called repeatedly upon the attorney in the case, Mr. Orland, and reminded him of the fact that application had been made and that nothing had been heard from the Internal Revenue Bureau. However, Mr. Orland, accustomed as he was to delay in the department in acknowledgment of letters and refund of money, assured the executor that the fact that there was delay meant nothing other than the normal delay incident to matters of this kind.

Mr. MOUSER. Mr. Chairman, will the gentleman yield right there?

Mr. FRENCH. I yield.

Mr. MOUSER. I do not want to interrupt the gentleman's explanation, but the attorney did not write to the Internal Revenue Department to secure information as to the progress of the claim in behalf of his client. Is not that correct?

Mr. FRENCH. That is true; and I think he should have done it. On the other hand, he was going upon experience he had had during many years of practice, and was recognizing the delays that occur in matters of this kind in dealing with different departments of the Government. Mr. Orland is one of the ablest and most careful of lawyers.

Mr. EATON of Colorado. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. I yield.

Mr. EATON of Colorado. Is not this a case where the Government has the money and the executors had to make the effort to get their money back?

Mr. FRENCH. That is true; the Government has the money. If any Member here were in the place of the Government, he would not go to bed to-night before refunding the money to Mr. Grieser.

The fact of the matter is, the executors did not know they had overpaid until the department notified them. They then made application very shortly.

Finally, as the gentleman from Ohio has said, after the four years were up and they had heard nothing of their application they tried to find what had become of it, and found it had never been received by the collector's office. Immediately application was renewed and that application is the one the department states came too late.

I submit, Mr. Chairman, the executors did everything they were in duty bound to do. They did make the application within the proper time. There was no laches upon their part.

Mr. BLANTON. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. BLANTON. They had the right to come in and make their claim just the same as any other claimant?

Mr. FRENCH. And they did.

Mr. BLANTON. If they have exhausted their legal rights, why should they ask Congress to respond?

Mr. FRENCH. They did make the application within the proper time.

Mr. BLANTON. But they were turned down.

Mr. FRENCH. No; no. The application failed because the Post Office Department in some way failed to deliver the letter.

Mr. BLANTON. But the estate had an attorney, and the attorney should have looked after it.

[Here the gavel fell.]

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. BLANTON, Mr. MOUSER, and Mr. PATTERSON objected, and the bill was referred to the deferred list.

A. L. HEDDING

The Clerk called the next bill, H. R. 1350, for the relief of A. L. Hedding.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. GRISWOLD. Mr. Chairman, reserving the right to object, this is a bill to which I have already objected. The evidence in it is such evidence that could not be collected upon in any court of law. It attempts to collect damages for injury to a truck by a Government automobile, the claim being that the automobile was going uphill and had no lights on it when, as a matter of fact, according to the report, it was not required, under the law of California, to burn lights at that hour, the accident having happened at 5.41. I object to the bill.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. EATON of Colorado, Mr. BLANTON, and Mr. GRISWOLD objected, and the bill was referred to the deferred list.

BRUCE BROS. GRAIN CO.

The Clerk called the next bill, H. R. 1525, for the relief of Bruce Bros. Grain Co.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. PATMAN. Mr. Chairman, reserving the right to object, in regard to the criticism against Members of Congress, I want to invite again your attention to the criticism from which I read a few minutes ago. The charge was made:

Not many of us ever thought that we were furnishing Congressmen and Senators free eating in the Congressional Café but we are.

I do not claim to know anything about the other side of this Capitol, that is, the Senate of the United States. I do not know whether that charge is true as to the Senate or not, but I do know it is not true as to the House of Representatives. I have never received a free meal at this



House restaurant and I do not believe any other Member of the House of Representatives has ever received a free meal. You pay the same price there, and more, than you pay down town or at any other restaurant in the city.

Mr. MOUSER. Will the gentleman yield?

Mr. PATMAN. Yes.

Mr. MOUSER. As a matter of fact, the House restaurant is self-sustaining because of the money paid by Members for their meals and in entertaining their visitors.

Mr. PATMAN. I thank the gentleman for that contribution.

Mr. BLANTON. Will the gentleman yield?

Mr. PATMAN. Yes.

Mr. BLANTON. Eight or 10 years ago the House restaurant did cost the Government \$50,000 or \$60,000 annually and put the Treasury in the hole every year, but that has been corrected. The House caused that situation to be overhauled. Our friend from North Carolina [Mr. WARREN] is now in charge of it; he is putting some business into it, and he is trying to get that institution on a business basis. And all of us must back him up 100 per cent. I think the criticism probably comes because of conditions that existed years ago.

Mr. PATMAN. Let me again invite your attention to this. It says:

We doubt if any of us ever thought we furnished a most elegant barber shop in the Capitol Building where our lawmakers, between their speeches on economy, can have hair cuts and shaves, shampoos, hair and whiskers dyed, blackheads extracted from the noble noses of the solons, and shoes shined, all free, but we do.

Mr. BLANTON. That too, if my colleagues will permit, is absolutely untrue as to the situation at the present time, for as he correctly stated, we pay now full price for shaves, haircuts, shampoos, and massages. But some years ago there was a large sum of money spent each year by the Government on the House barber shops, with salaries paid, and other expenses that were subject to criticism, but the House of Representatives has long since stopped such abuses, and, as the gentleman said, there is not a word of truth in said newspaper criticism so far as the House of Representatives now is concerned.

Mr. PATMAN. There is not a word of truth in that as far as the House of Representatives is concerned. I do not claim to know anything about the other body. It says that each Representative is furnished with a free shaving mug. If there is a free shaving mug furnished to any Member of the House of Representatives, I do not know anything about it. I have not been in the barber shop very much, but I do not think a free shaving mug is furnished to the Members.

Mr. EATON of Colorado. Why not state that there is not a shaving mug in the barber shop?

Mr. PATMAN. I have never seen one there.

Mr. LINTHICUM. They are not sanitary anyhow and nobody uses shaving mugs any more.

Mr. DIES. Will the gentleman yield?

Mr. PATMAN. Yes.

Mr. DIES. Will the gentleman state where that paper is published?

Mr. PATMAN. The Marshall Morning News, of Marshall, Tex., published the statement.

Mr. DIES. In view of the fact that this paper is published in my district, I am sure they must have been misinformed. I want the gentleman to write the paper and see if the editor is fair enough to correct this statement

[Here the gavel fell.]

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. BLANTON and Mr. EATON of Colorado objected.

Mr. BLACK. Mr. Chairman, I want to make a point of order against objections being offered at this time. Reservations of objection have been made, and the Member making them has then proceeded to talk for five minutes about restaurants, barber shops, and golf balls.

Immediately when he is through three other Members get up and object to the bill, and the committee and the author of the bill are barred from any discussion.

I make a point of order against objections being made after the five minutes of time are exhausted. They should be made either before or after that time.

The CHAIRMAN. The point of order is overruled.

Is there objection to the present consideration of the bill?

Mr. EATON of Colorado, Mr. BLANTON, and Mr. STAFFORD objected.

Mr. COCHRAN of Missouri. Mr. Chairman, I would like to be heard. The rule provides for five minutes in favor of the bill.

The CHAIRMAN. The Chair was not apprised of the fact the gentleman desired recognition. The gentleman from Missouri is recognized for five minutes.

Mr. COCHRAN of Missouri. Mr. Chairman, in the absence of the gentleman who introduced this bill, who was just called from the hall, I would like to ask the gentleman from Texas [Mr. BLANTON] what are his objections to the bill?

Mr. BLANTON. Mr. Chairman, if the gentleman will give me 10 minutes to explain my reasons, I can convince the gentleman himself that he ought not to vote for this bill as a matter of sound Government policy, but in a few seconds of time no man on earth could state his reasons.

Mr. COCHRAN of Missouri. Mr. Chairman, I have read the report. This bill provides for an appropriation of \$279.90 to correct a mistake made by an agency of the Government. We have a statement here from the then Secretary of Agriculture, Mr. Wallace, and I may say that the gentleman from Texas always looks at the report and tells the committee what the department states. Why not in this case? Mr. Wallace said:

It would seem that the second appeal grade certificate was issued without regard to the regulations and under the circumstances should not have been issued at the late date of July 23. This was the first case of this kind which arose in the administration of the act and as soon as the matter was brought to our attention, steps were immediately taken to prevent a recurrence of the situation.

It is evident it was a mistake of the Government and it cost a private corporation \$279.90.

I do not think the gentleman from Texas is in possession of the facts, because if he were, the gentleman could explain in less than 10 minutes. It is my opinion the gentleman should withdraw his objection. I can not agree with the gentleman that as a matter of sound Government policy the bill should not be passed. It appears to me to merit favorable consideration.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. MOUSER, Mr. EATON of Colorado, and Mr. BLANTON objected, and the bill was referred to the deferred list.

THOMAS H. DEAL

The Clerk called the next bill, H. R. 1928, for the relief of Thomas H. Deal.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. GOLDSBOROUGH. Mr. Chairman, I reserve the right to object.

I believe the members of the committee will be very much interested to know that the Common Council of Detroit on day before yesterday indorsed the bill H. R. 11499, passed by the House on May 2 last by a vote of 289 to 60, "to restore and maintain the purchasing power of the dollar"; also that the Board of Aldermen of Chicago passed a resolution day before yesterday requesting the Congress of the United States to pass legislation to raise the wholesale commodity price level to the 1926 level.

I would like to refer the members of the committee to an article in the Bulletin of the National City Bank, the second largest bank in the United States, of May, 1932, in which the statement is made:

Able economists have maintained for years that the central banks of the world possessed the requisite organization and power,



acting in cooperation, to stabilize the state of credit and the general price level to such an extent as to prevent the wide fluctuations which result in panic and disorder.

I am reading this in connection with the widespread criticism of an uninformed press.

I also desire to call the committee's attention to an article in a very conservative financial weekly, *Barron's*, of April 25. It is the leading article, under the title "Will the Gold Standard Survive?" I read a short extract from this article:

With little foresight we have contracted to use this unrelated variable (referring to gold) for the repayment of all our mortgages and the fulfillment of all our contracts, and even for the taxes on the land itself. In the case of all mortgages we have, therefore, imposed upon our farms, our land, our railways, and our homes, which are the true constants, a promise to pay in terms of a variable. The result can be, and now is, disastrous. For the equity of a property—the value over and above the mortgage—fluctuates with multiplied violence, and the change in value of the equity is not imaginary but real.

I think it would be worth the while of every Member of Congress to read this article, which covers two or three pages of *Barron's*.

In the *New York Herald Tribune* of May 15 is an article dated London, May 14. I quote:

This position has produced in Britain, as well as in America, a growing demand for remedial action by the Government. Prices, it is declared, can be raised through appropriate monetary measures, and it is Government duty to adopt such measures with the least possible delay.

The debate in the House of Commons on the financial bill this week became almost a demonstration in favor of controlled inflation. Two former chancellors of the exchequer, Sir Robert Horne and Winston Churchill, led the way, and their pleas were echoed by members of all parties. Outside of political circles similar, if slightly more moderate, arguments have recently been published in a monthly review of the *Midland Bank* and in the *Economist*, among the most responsible and most conservative of financial reviews in the country.

Mr. ARENTZ. Mr. Chairman, a parliamentary inquiry. The CHAIRMAN. The gentleman will state it.

Mr. ARENTZ. Assuming that it is necessary to discuss the merits of this bill, and that such discussion be had on the termination of the five minutes by those opposed to the bill, how is it possible for the proponents to present their arguments?

The CHAIRMAN. Any Member can make a point of order.

Mr. BLANTON. So as to get the position of the opponents of this bill before the committee let me say that the department held that there was no proof whatever of any burglary, and therefore we ought to defeat this bill.

Mr. BLACK. Mr. Chairman, I want to serve notice on the House that when gentlemen object or reserve an objection to a bill, they must confine their remarks to the bill. I do that in the interest of the committee, so that gentlemen who are entitled to state their objections may do so, and those entitled to respond may get time, and we can hear both sides.

Mr. ARENTZ. Does the gentleman intend to state the position of the proponents of this bill?

Mr. BLACK. This is a bill for the relief of a postmaster in Alaska. He wants a refund from the Government, because of a robbery, where certain Government property was stolen from a post-office safe. I think the Government treated the postmaster in a very harsh fashion. In the first place, the inspectors accused the man of participation in the crime. They charged him with robbing his own safe. That was never substantiated. The postmaster had his own bonds in the safe with the Government property. His bonds were taken with the other property.

The inspectors also said the postmaster was negligent, because he kept the combination in the drawer, and took it out in the daytime and opened the safe.

I do not think that is anything; the man might have had a bad memory, and he had to have the combination in an accessible place. I think the Congress ought to see that this man gets his money.

Mr. MOUSER. Will the gentleman yield?

Mr. BLACK. I yield.

Mr. MOUSER. Does not the gentleman think that the postmaster was responsible for keeping the post-office receipts in his safe at Fairbanks, one of the largest towns in Alaska? Did he not owe a duty to place the Government securities in a bank or in a safety-deposit box?

Mr. BLACK. Human nature is a selfish proposition. I think any man in the Government service who takes the same care of the Government's receipts as he does of his own property can not be charged with negligence in his responsibilities toward the Government. This man did that.

Mr. MOUSER. We can not afford to encourage negligence on the part of postmasters in the handling of Government funds. He might just as well have put the money and bonds in the drawer of his desk.

Mr. BLACK. He put them in a safe.

Mr. BLANTON. He might just as well have put them in the cuspidor. There are entirely too many postmasters over the country having burglaries, which, when investigated by the department, show that such postmasters were at least negligent, and should be held responsible. Postmasters over the United States must understand that they are the custodians of Government property, and that they must carefully guard it just as they would their own, and when they have losses that could have been avoided, they are going to be held responsible.

The CHAIRMAN. Is there objection?

Mr. MOUSER, Mr. BLANTON, and Mr. STAFFORD objected, and the bill was referred to the deferred list.

NOBLE JAY HALL.

The next business on the Private Calendar was the bill (H. R. 1962) for the relief of Noble Jay Hall.

The CHAIRMAN. Is there objection?

Mr. GREEN. Mr. Chairman, I reserve the right to object. I trust there will be no point of order made, for I shall take just a moment. I am particularly interested in the unemployment program as advanced by the Speaker.

Mr. BLACK. Mr. Chairman, I make the point of order that the gentleman is not speaking to the bill.

Mr. GREEN. Mr. Chairman, I ask unanimous consent that I may be permitted to extend my remarks in the *Record* and include therein a short bill introduced by myself on the unemployment situation in so far as the public-building construction is concerned.

The CHAIRMAN. The gentleman should make that request in the House.

Mr. GREEN. I shall make that request later, and shall not object to the bill.

Mr. BLACK. Mr. Chairman, other gentlemen were on their feet ready to object, and I think the Chair should ask whether there is objection to the bill.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. EATON of Colorado. Mr. Chairman, I object.

Mr. STAFFORD. I object.

The CHAIRMAN. Two objections are made. Three are required. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$350 in full settlement of all claims against the Government of the United States to Noble Jay Hall, father of Bille Eugene Hall, who died as a result of injuries received in the laundry at Vancouver Barracks, Wash., July 26, 1928.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I was one of two Members to object to the consideration of this bill. The amount involved is rather small, but it involves a principle. I think the father of the child was more negligent than the Government, in view of the fact that the father neglected taking care of this minor child in his custody and allowed it to go on premises that were dangerous. I rise to register my objection so that the bill will not be used as a precedent in the future. No one wishes to raise objections at length to bills for small amounts, but there is no question that this bill is simply taking money out of the Treasury without justification.



The bill was ordered to be laid aside with a favorable recommendation.

FRANK W. CHILDRESS

The next business on the Private Calendar was the bill (H. R. 2595) for the relief of Frank W. Childress.

The CHAIRMAN. Is there objection?

Mr. PATTERSON, Mr. MOUSER, Mr. BLANTON, and Mr. EATON of Colorado objected, and the bill was referred to the deferred list.

EDWARD CHRISTIANSON

The next business on the Private Calendar was the bill (H. R. 2606) for the relief of Edward Christianson.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Chairman, I reserve the right to object. This bill was inadvertently objected to by a Member before he really appreciated the policy which was being followed—that in cases of injuries that occurred subsequent to the date of the compensation act, September 7, 1916, where the claimant was unaware of the law and was barred by the statute of limitations in that he had not presented his claim within one year he should be entitled to present his claim before the Compensation Commission. I told the author of the bill that I should have no objection to a substitute, which I shall propose, with the provision that no benefit shall accrue until the date of the enactment of the act, and also to a provision that the commission be empowered to investigate whether he is really entitled to the relief.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BLANTON. The gentleman is familiar with the fact that the Department of Commerce reports that it has no record of Edward Christianson having been poisoned by impure water during his employment on lightship No. 77, and that under the circumstances the approval of the bill would not appear to be warranted.

Mr. STAFFORD. This is the substitute which I shall offer and which I hope will be accepted by my colleague from Wisconsin [Mr. SCHNEIDER]:

Strike out all after the enacting clause and insert:

"That the United States Employees' Compensation Commission is hereby authorized to consider and determine the claim of Edward Christianson, a civilian employee of the United States Coast Guard, who claims to have been poisoned by impure water drunk while serving aboard the Peshtigo lightship No. 77, at Peshtigo, Wis., on or about December 15, 1919, in the same manner and to the same extent as if said Edward Christianson had made application for the benefits of said act within the 1-year period required by sections 17 and 20 thereof: *Provided*, That no benefit shall accrue prior to the enactment of this act."

Mr. BLANTON. If that is accepted, there could be no objection.

Mr. MOUSER. Is there any evidence that any other man on the ship was poisoned by this drinking water at the same time?

Mr. STAFFORD. The substitute proposes for the Compensation Commission to determine that question. He claims he was. We are not making any legislative determination of that.

Mr. SCHNEIDER. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. SCHNEIDER. There was no test made as to whether or not the water that was consumed by Christianson was poison, as far as the Government was concerned. When he became ill he was taken off the boat and taken away from the light boat; but the doctors who treated him on several occasions and for several years all contended that it could come from nothing else other than water, from which such disease would come.

Mr. MOUSER. What kind of poison? Typhoid fever?

Mr. SCHNEIDER. No. It was not typhoid. It was a peculiar skin disease.

Mr. MOUSER. The compensation commission can make a proper investigation under the suggestion of the gentleman from Wisconsin [Mr. STAFFORD]?

Mr. SCHNEIDER. Yes.

Mr. EATON of Colorado. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. EATON of Colorado. I did not hear the gentleman from Wisconsin read a provision in the proposed amendment providing that no benefit should accrue prior to the approval of this act.

Mr. STAFFORD. Yes. That is included in the substitute also.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read the bill as follows:

*Be it enacted, etc.*, That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of Edward Christianson, a civilian employee of the United States Coast Guard, who was poisoned by impure water drunk while serving aboard the Peshtigo lightship, No. 77, at Peshtigo, Wis., on or about December 15, 1919, and his case is hereby authorized to be considered and acted upon under the remaining provisions of such act.

Mr. STAFFORD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Strike out all after the enacting clause and insert: "That the United States Employees' Compensation Commission is hereby authorized to consider and determine the claim of Edward Christianson, a civilian employee of the United States Coast Guard, who claims to have been poisoned by impure water drunk while serving aboard the Peshtigo lightship, No. 77, at Peshtigo, Wis., on or about December 15, 1919, in the same manner and to the same extent as if said Edward Christianson had made application for the benefits of said act within the 1-year period required by sections 17 and 20 thereof: *Provided*, That no benefit shall accrue prior to the enactment of this act."

The amendment was agreed to.

The bill was ordered to be laid aside with a favorable recommendation.

ELIZABETH T. CLOUD

The Clerk called the next bill on the Private Calendar, H. R. 3030, for the relief of Elizabeth T. Cloud.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. MOUSER. Reserving the right to object, Mr. Chairman, I would like to say a word in favor of this bill.

The CHAIRMAN. The gentleman is not entitled to recognition in favor of the bill.

Mr. MOUSER. I would like to explain the bill.

Mr. STAFFORD. Mr. Chairman, I ask for recognition in opposition to the bill.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. STAFFORD. Mr. Chairman, the report shows that this claimant slipped and fell on the steps leading to the lobby of the post-office building at Atlantic City. There is nothing in the report to show that there was any negligence whatsoever on the part of the Government as to the condition of those premises. It is so easy for a person to slip on granite or marble steps. There are several other bills on the calendar of like import. Certainly, the Government can not, because a woman slipped, perchance because her heels may have been a little uneven, and suffered some injury, be called upon to compensate her.

It is for these reasons that I intend to object.

Mr. BLACK. Mr. Chairman, I yield my time to the gentleman from Ohio [Mr. MOUSER].

Mr. MOUSER. Mr. Chairman, the facts are stated in the report, and I will not take the time of the committee to go into them; but in this case the lady slipped upon marble steps leading into the post-office building at Atlantic City. The steps had become worn because of usage by the public. The steps were slippery, and the subsequent report of the custodian was to the effect that the steps as maintained by the Government, inviting the public to use them for the purpose of transacting postal business in that office, should have been replaced by concrete steps, or at least proper rubber or brass appliances should have been placed upon them for the purpose of protecting people. Take the House Office Building, for instance. Everybody knows that marble, when



worn, becomes very slippery. I maintain that the Government owes the public a duty to maintain a safe entrance to their public buildings where the public is invited to transact business.

Mr. STAFFORD. Will the gentleman yield?

Mr. MOUSER. I yield.

Mr. STAFFORD. The fact is that the entrance to the Atlantic City post office is in good condition to-day. It is a comparatively new building with granite steps instead of marble.

Mr. MOUSER. After the lady was injured granite steps were installed.

Mr. STAFFORD. Oh, no. The building was erected 25 years ago at North Carolina and Pacific Avenues.

Mr. MOUSER. Mr. Chairman, I do not yield for a speech.

Mr. STAFFORD. It is the main post office. Thousands upon thousands utilize it.

Mr. MOUSER. I do not yield for a speech.

Mr. STAFFORD. If we pass this kind of bills, we are just opening the gates of the Treasury.

Mr. MOUSER. The gentleman says in one breath that the building is new and in the next breath that the building has been in existence for 25 years. As a matter of fact, it was recommended after this accident to this lady that these steps be replaced by proper ones.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield further?

Mr. MOUSER. I yield.

Mr. STAFFORD. The fact is this injury took place in 1917. The bill has been pending here all these years.

Mr. MOUSER. That is one further reason this lady ought to be paid. I think this is a worthy claim.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. STAFFORD, Mr. EATON of Colorado, Mr. PATTERSON, and Mr. GRISWOLD objected, and the bill was referred to the deferred list.

ADA T. FINLEY

The Clerk called the next bill, H. R. 3633, for the relief of Ada T. Finley.

Mr. STAFFORD. Mr. Chairman, reserving the right to object, this is one of the bills where Congress is called upon to find that this claimant suffered injury in 1928. The claim has been rejected by the Employees' Compensation Commission.

To my way of thinking it is bad practice for us to give by legislation a certificate of revival when the Compensation Commission, the agency to pass upon these cases, has turned them down.

Is there to be no limit, Mr. Chairman, where we are to be relieved of these minor matters? We passed a law on September 7, 1916, to throw this burden upon the Compensation Commission. The Compensation Commission investigated the case. The evidence was not sufficient. The gentleman seeks to have Congress make a mandatory finding that the claimant is entitled to the benefits of the act. I think it is a very questionable practice indeed.

Mr. TARVER. Mr. Chairman—

Mr. BLACK. Mr. Chairman, I yield my time to the gentleman from Georgia.

The CHAIRMAN. The gentleman can not yield his time.

Mr. STAFFORD. Mr. Chairman, I reserve the balance of my time.

Mr. TARVER. I understand the gentleman can do that, Mr. Chairman.

Mr. EATON of Colorado rose.

Mr. STAFFORD. Then I yield, if I can, to the gentleman from Colorado.

The CHAIRMAN. The Chair can not recognize the right of the gentleman from Wisconsin to yield time to another Member.

The gentleman from Georgia is recognized for five minutes.

Mr. EATON of Colorado. Mr. Chairman, I ask the gentleman from Wisconsin to yield to me for a question before he yields the floor.

The CHAIRMAN. The Chair has recognized the gentleman from Georgia.

Mr. TARVER. Mr. Chairman, cases are presented in the House by the introduction of special bills for relief from action taken by the United States Employees' Compensation Commission to which the objections made by the gentleman from Wisconsin [Mr. STAFFORD] properly apply. There are other cases of an entirely different nature, and the gentleman should not object to the passage of a bill merely by stating that it is one of a general class of cases, and evidently without having examined the facts in the particular case.

Mr. EATON of Colorado. Mr. Chairman, will the gentleman yield?

Mr. TARVER. Not at this time.

The gentleman stated this injury occurred in 1928. If the gentlemen of the committee will take the trouble to examine the report it will be found the lady interested in this case entered the employ of the Government on August 30, 1920, and served for five years as a follow-up nurse under the direction of the then Veterans' Bureau, and that she was relieved from duty in January, 1926, after approximately six years' service, because of physical disabilities, which had occurred during her service and which made it impossible for her to continue the performance of her duty.

A careful reading of the evidence in the report will disclose that Dr. J. D. L. McPheeters, an employee of the Government, a physician of the Veteran's Administration, or the Veterans' Bureau as it was then known, had direct supervision over Miss Finley, the claimant. He certifies to the extremely arduous nature of her duties and to the fact that, in his judgment as a physician, her disabilities arose because of, as they undoubtedly arose in the course of, her employment.

Mr. EATON of Colorado. Mr. Chairman, will the gentleman now yield?

Mr. TARVER. I am sorry, I can not yield to the gentleman. I have only five minutes.

Mr. Chairman, there is no evidence in the record showing this to be a case of the character which came up earlier in the evening, where some employee sustained a bruise on the head and it was claimed years afterwards that that resulted in his death.

During the last Congress the House passed without objection—and some of the gentlemen who are on the firing line to-day were officiating then in their laudable efforts to protect the United States Treasury—a bill which gave to a cow doctor working for the Bureau of Animal Industry compensation for a condition of tuberculosis that arose two years after he left the employment of the Government upon the assumption that his having had to do with tubercular cattle and their treatment during the course of his service had perhaps given rise to the condition of tuberculosis from which he suffered, a condition arising two years after discharge from employment.

Mr. BACHMANN. Will the gentleman yield?

Mr. TARVER. I can not yield.

Mr. BACHMANN. Will the gentleman yield in order that I may make a statement in his favor?

Mr. TARVER. With pleasure. I did not think the gentleman intended to make such a statement.

Mr. BACHMANN. I recall that during the last Congress I strenuously objected to this bill when I was handling the Private Calendar, and it did not pass. I have since thoroughly examined the report of the committee and the evidence, and I believe there is no question but what this case should be again sent to the Employees' Compensation Commission for their consideration, as a matter of justice and as a matter of right.

Mr. TARVER. I thank the gentleman.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. EATON of Colorado, Mr. STAFFORD, and Mr. MOUSER objected, and the bill was referred to the deferred list.



Mr. BLANTON. Mr. Chairman, a point of order. I think we have worked long enough without a quorum. I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair desires to call the attention of the gentleman from Texas to the fact that in the event the committee should rise without the presence of a quorum it would be out of order to report these bills back to the House with a favorable recommendation.

Mr. BLANTON. I will withhold my point of no quorum if the gentleman from New York will move to rise.

Mr. BLACK. Mr. Chairman, I move that the committee do now rise and favorably report the bills laid aside.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BANKHEAD, Chairman of the Committee of the Whole House, reported that the committee having had under consideration bills on the Private Calendar, had directed him to report back to the House sundry bills without amendment, with the recommendation that the bills do pass, and a bill with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The following House bills, without amendment, were severally considered, ordered to be engrossed and read a third time, were read the third time, and passed, and a motion to reconsider laid on the table:

H. R. 927. A bill for the relief of the estate of Franklin D. Clark; and

H. R. 1962. A bill for the relief of Noble Jay Hall.

The following House bill, with an amendment, was considered, the amendment agreed to, and the bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table:

H. R. 2606. A bill for the relief of Edward Christianson.

Mr. STAFFORD. Mr. Speaker, I make a point of no quorum.

Mr. BLANTON. Will the gentleman withhold it?

Mr. STAFFORD. I will withhold it.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. BRUNNER, for the balance of the week, on account of illness.

To Mr. SEIBERLING, indefinitely, on account of injury.

To Mr. HAINES, on account of business.

To Mr. PETTENGILL, on account of business.

#### ORDER OF BUSINESS

Mr. BLACK. Mr. Speaker, I move that the House do now adjourn.

Mr. SNELL. Will the gentleman withhold that until I ask a question with reference to the program to-morrow?

Mr. BLACK. I will withhold it.

Mr. SNELL. Mr. Speaker, I would like to know what the program for to-morrow is to be.

The SPEAKER. To-morrow, ordinarily, is Private Calendar Day. Just what the House desires to do to-morrow, the Chair does not know.

Mr. SNELL. Is it the expectation that the Private Calendar will be called?

The SPEAKER. It is expected at the present time that the Private Calendar will be called to-morrow.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to address the House for one-quarter of a minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLANTON. Mr. Speaker, as is well known, the National Press Club to-morrow is giving a barbecue. It is giving this barbecue in honor of the club and of the distinguished president of that club and also in honor of our distinguished Speaker. The Members of the Congress are invited. The House of Representatives has almost finished its work, and we are now at least a month ahead of the Senate. In a few days we will be found resting on our oars,

adjourning three days at a time, waiting for the Senate to catch up with us. In view of the fact that we are meeting to-morrow mainly for the purpose of calling it a "legislative day," so as to give status to a certain measure Monday, we ought to have an understanding that we will transact no important business to-morrow but will promptly adjourn after meeting, so that the membership may attend this old-time Texas barbecue that the National Press Club is so generously giving us.

The SPEAKER. The gentleman from Wisconsin has made the point of order that there is not a quorum present. Evidently, there is not a quorum present.

#### ADJOURNMENT

Mr. BLACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 7 minutes p. m.) the House adjourned until to-morrow, Saturday, May 21, 1932, at 12 o'clock noon.

#### COMMITTEE HEARINGS

Tentative list of committee hearings scheduled for Saturday, May 21, 1932, as reported to the floor leader by the clerks of the several committees:

##### INSULAR AFFAIRS

(10 a. m.)

Hearings—Samoa Islands.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. PALMISANO: Committee on the District of Columbia. H. R. 8092. A bill providing for the closing of barber shops on Sunday in the District of Columbia; with amendment (Rept. No. 1390). Referred to the House Calendar.

Mr. WILLIAMSON: Committee on Indian Affairs. H. R. 314. A bill to amend an act approved December 17, 1928, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment thereon, in claims which the Winnebago Tribe of Indians may have against the United States, and for other purposes"; with amendment (Rept. No. 1391). Referred to the Committee of the Whole House on the state of the Union.

Mr. CARDEN: Committee on Agriculture. H. R. 5641. A bill to amend the filled milk act; with amendment (Rept. No. 1392). Referred to the Committee of the Whole House on the state of the Union.

Mr. PATMAN: Committee on the District of Columbia. H. R. 12096. A bill to authorize the closing of certain streets in the District of Columbia rendered useless or unnecessary, and for other purposes; with amendment (Rept. No. 1393). Referred to the Committee of the Whole House on the state of the Union.

Mr. BUTLER: Committee on the Public Lands. S. 4070. An act to authorize the acquisition of a certain building, furniture, and equipment in the Crater Lake National Park; without amendment (Rept. No. 1396). Referred to the Committee of the Whole House on the state of the Union.

Mr. SWANK: Committee on Claims. Senate Joint Resolution 55. Joint resolution to amend section 2 of the act of February 25, 1927 (44 Stat. L., pt. 2, p. 336); without amendment (Rept. No. 1397). Referred to the Committee of the Whole House on the state of the Union.

Mr. PEAVEY: Committee on Indian Affairs. H. R. 2318. A bill for the relief of the Omaha Indians residing in school district No. 16, Thurston County, State of Nebraska; without amendment (Rept. No. 1398). Referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MAY: Committee on Military Affairs. H. R. 1041. A bill for the relief of Harry Gordon; with amendment (Rept. No. 1394). Referred to the Committee of the Whole House.



Mr. EVANS of Montana: Committee on the Public Lands. S. 2259. An act for the relief of Mathie Belvig; without amendment (Rept. No. 1395). Referred to the Committee of the Whole House.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HOUSTON of Hawaii: A bill (H. R. 12196) to extend the benefits of the Reconstruction Finance Corporation act, approved January 22, 1932, to the banks and agricultural credit corporations of Hawaii; to the Committee on Banking and Currency.

By Mr. EVANS of Montana: A bill (H. R. 12197) authorizing the Secretary of the Interior to issue patents to school sections 16 and 36, granted to the States by the act approved February 22, 1889, by the act approved January 25, 1927 (44 Stat. 1026), and by any other act of Congress; to the Committee on the Public Lands.

By Mr. TAYLOR of Tennessee: A bill (H. R. 12198) to provide for the acquisition by the United States of the Grand Caverns in Knox County, Tenn.; to the Committee on the Public Lands.

By Mr. STEAGALL: A bill (H. R. 12199) to extend the provisions of the national bank act to the Virgin Islands of the United States, and for other purposes; to the Committee on Banking and Currency.

By Mr. BRITTEN: A bill (H. R. 12200) to consolidate the civil personnel activities of the United States Government, and for other purposes; to the Committee on the Civil Service.

By Mr. RAYBURN: A bill (H. R. 12201) to amend section 4 of the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

By Mr. MANSFIELD: A bill (H. R. 12202) to extend certain provisions of the river and harbor act of March 3, 1899, to the Virgin Islands; to the Committee on Rivers and Harbors.

By Mr. DAVIS: A bill (H. R. 12203) for the preservation of the old stone fort near Manchester, Tenn.; to the Committee on the Library.

By Mr. TAYLOR of Tennessee: A bill (H. R. 12204) to authorize the conveyance to the State of Tennessee of certain land deeded to the United States for the Great Smoky Mountains National Park and not needed therefor; to the Committee on the Public Lands.

By Mr. McMILLAN: A bill (H. R. 12205) to amend the Judicial Code to provide that petit jurors shall be returned from the division wherein the term of the court is held; to the Committee on the Judiciary.

By Mr. STEAGALL: Resolution (H. Res. 232) providing for the printing of additional copies of part 1 of the hearings on the bill (H. R. 10517) for increasing and stabilizing the price level of commodities, and for other purposes; to the Committee on Printing.

By Mr. BUCKBEE: Joint resolution (H. J. Res. 398) directing the President of the United States of America to proclaim October 11 of each year General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

By Mr. CHRISTOPHERSON: Joint resolution (H. J. Res. 399) to authorize a compact or agreement between Nebraska and South Dakota with respect to hunting and fishing privileges and the establishment of game preserves on sand bars, islands, and shores of the Missouri River and other matters relating to jurisdiction on the Missouri River, and other purposes; to the Committee on the Judiciary.

By Mr. VINSON of Georgia: Joint resolution (H. J. Res. 400) limiting the disposition of cotton held by the Cotton Stabilization Corporation; to the Committee on Agriculture.

By Mrs. OWEN: Joint resolution (H. J. Res. 401) to authorize the transfer to the Department of Florida, United Spanish-American War Veterans (Inc.), of certain Federal funds now on deposit in the name of Cary A. Hardee, Governor

of the State of Florida, in the Lewis State Bank, of Tallahassee, Fla., and providing for the distribution and use of such funds; to the Committee on War Claims.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BALDRIGE: A bill (H. R. 12206) for the relief of Tom Larkins; to the Committee on Military Affairs.

By Mr. BUCKBEE: A bill (H. R. 12207) authorizing the erection of a memorial to Brig. Gen. Casimir Pulaski, at Savannah, Ga.; to the Committee on the Library.

By Mr. CANFIELD: A bill (H. R. 12208) granting an increase of pension to Lousa M. Gilliland; to the Committee on Invalid Pensions.

By Mr. COCHRAN of Pennsylvania: A bill (H. R. 12209) granting an increase of pension to Catherine Sollinger; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 12210) for the relief of William Clair Wise; to the Committee on War Claims.

By Mr. HORNOR: A bill (H. R. 12211) granting an increase of pension to Sarah J. Coon; to the Committee on Invalid Pensions.

By Mr. HOOPER: A bill (H. R. 12212) granting an increase of pension to Belinda D. Overmeyer; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Texas: A bill (H. R. 12213) granting a pension to Martha J. Bess; to the Committee on Pensions.

By Mr. KELLY of Pennsylvania: A bill (H. R. 12214) granting an increase of pension to Mary C. Hollihan; to the Committee on Pensions.

By Mr. LOVETTE: A bill (H. R. 12215) granting a pension to Lucy E. Huff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12216) granting a pension to Gideon H. Morgan; to the Committee on Pensions.

Also, a bill (H. R. 12217) granting a pension to A. J. Spriggs; to the Committee on Pensions.

Also, a bill (H. R. 12218) for the relief of Cleophas Forte; to the Committee on Military Affairs.

Also, a bill (H. R. 12219) granting an increase of pension to Roe Simerly; to the Committee on Pensions.

Also, a bill (H. R. 12220) for the relief of J. N. Patterson; to the Committee on Claims.

Also, a bill (H. R. 12221) granting a pension to Leon J. Collins; to the Committee on Pensions.

Also, a bill (H. R. 12222) for the relief of Carl Edgar Smith; to the Committee on Naval Affairs.

By Mr. PARKER of New York: A bill (H. R. 12223) granting an increase of pension to Minnie F. Perkins; to the Committee on Invalid Pensions.

By Mr. SEIBERLING: A bill (H. R. 12224) granting an increase of pension to Alice Eberhard; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 12225) granting an increase of pension to Myrtle M. Eminger; to the Committee on Invalid Pensions.

By Mr. TIERNEY: A bill (H. R. 12226) granting a pension to Thomas J. Barbour; to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7845. By Mr. BOHN: Petition of citizens of Munising, Mich., protesting against a tax on automotive products; to the Committee on Ways and Means.

7846. By Mr. CHRISTOPHERSON: Petition of the City Council of the city of Chicago, Ill., proposing an increase in the supply of money in circulation; to the Committee on Banking and Currency.

7847. By Mr. CRAIL: Petition of members of the Altadena Women's Circle, Altadena, Calif., urging favorable consideration of House bills 1967 and 8549; to the Committee on the Judiciary.



7848. By Mr. EVANS of California: Petition signed by approximately 40 persons, urging the maintenance of the prohibition law and its enforcement; to the Committee on the Judiciary.

7849. By Mr. GRIFFIN: Petition of the trustees of the New York Public Library, Astor, Lenox, and Tilden Foundations, protesting against any change in the provisions of the existing copyright law that would tend to curtail the importation privileges of such libraries; to the Committee on Patents.

7850. By Mr. KELLY of Pennsylvania: Petition of residents of McDonald, Pa., urging enactment of the Davis-Kelly coal stabilization bill; to the Committee on Interstate and Foreign Commerce.

7851. Also, petition of residents of Castle Shannon, Pa., urging enactment of the Davis-Kelly coal stabilization bill; to the Committee on Interstate and Foreign Commerce.

7852. Also, petition of residents of New Bethlehem, Pa., urging enactment of the Davis-Kelly coal stabilization bill; to the Committee on Interstate and Foreign Commerce.

7853. Also, petition of residents of Kittanning, Pa., urging enactment of the Davis-Kelly coal stabilization bill; to the Committee on Interstate and Foreign Commerce.

7854. By Mr. LINDSAY: Resolution of the trustees of the New York Public Library, protesting against the curtailment of importation privileges now open to American public libraries and university libraries; to the Committee on Education.

7855. Also, petition of John Lohman, of College Point, Long Island, N. Y., urging support of Senate bill 4289 and House bill 11155, providing that commercial radio operators' licenses be issued to American citizens only; to the Committee on Merchant Marine, Radio, and Fisheries.

7856. Also, petition of the New York Florists' Club, favoring the international peace garden movement; to the Committee on Agriculture.

7857. Also, resolution of Railway Electric Supply Manufacturers Association, Chicago, Ill., opposing any additional payments on soldiers' bonus; to the Committee on Ways and Means.

7858. Also, petition of the Central Union Label Council of Greater New York, favoring the enactment of the O'Connor-Hull beer bill; to the Committee on Ways and Means.

7859. By Mr. MURPHY: Petition of T. P. Caniff, of Steubenville, Ohio, chairman of the Jefferson County Legislative and Nonpartisan Political Committee, representing 9,000 workers, urging the issue of \$5,000,000,000 prosperity bonds; to the Committee on Ways and Means.

7860. By Mr. RUDD: Petition of the City Council of the City of Chicago, Ill., favoring increase in the money supply of our country sufficient to restore in the United States the average wholesale commodity price level of the year 1926; to the Committee on Banking and Currency.

7861. Also, petition of the trustees of the New York Public Library, New York City, protesting against any change in the provisions of the existing copyright law that would tend to curtail the importation privileges of libraries; to the Committee on Patents.

7862. Also, petition of the Norwegian News Co., Brooklyn, N. Y., favoring reduction in Government expenses; to the Committee on Appropriations.

7863. By Mr. SUTPHIN: Petition of State council, New Jersey Civil Service Association, protesting against levying a tax of 10 per cent on admission to motion-picture theaters and other places of amusement; to the Committee on Ways and Means.

7864. By Mr. WITHROW: Resolution of the common council of the city of La Crosse, Wis., protesting against the proposed abandonment by the Federal Government of the fish-rescue station and fish hatcheries at La Crosse; to the Committee on Merchant Marine, Radio, and Fisheries.

7865. Also, resolution of the Kenosha Aerie, No. 1055, Fraternal Order of Eagles, favoring House bill No. 1, known as the Patman bill, for adjusted compensation for World War veterans; to the Committee on Ways and Means.

7866. By Mr. WYANT: Petition of Kiski Valley Camp, No. 128, United Spanish War Veterans, Vandergrift, Pa., protesting against the abolishment of pension legislation now in effect as presented in the economy bill; to the Committee on Economy.

7867. Also, petition of Latrobe Hospital Association, Latrobe, Pa., protesting against section 807 of the revenue bill, H. R. 10236, for the reason that proposed change would work hardship upon hospitals out of proportion to the benefits accruing to Government thereby; to the Committee on Ways and Means.

## SENATE

SATURDAY, MAY 21, 1932

(Legislative day of Monday, May 9, 1932)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Austin	Costigan	Jones	Robinson, Ark.
Bankhead	Cutting	Kean	Robinson, Ind.
Barbour	Davis	Kendrick	Sheppard
Barkley	Dickinson	Keyes	Shipstead
Bingham	Dill	King	Smoot
Blaine	Fess	La Follette	Steiwer
Borah	Frazier	Logan	Thomas, Idaho
Bratton	George	Long	Thomas, Okla.
Brookhart	Goldsborough	McGill	Townsend
Bulkley	Hale	McNary	Trammell
Bulow	Harrison	Metcalf	Tydings
Capper	Hastings	Moses	Vandenberg
Caraway	Hatfield	Neely	Walsh, Mass.
Cohen	Hayden	Norris	Walsh, Mont.
Connally	Hebert	Nye	Watson
Coolidge	Howell	Oddie	White
Copeland	Johnson	Reed	

Mr. SHEPPARD. I desire to announce that the senior Senator from Virginia [Mr. SWANSON] is absent on official business attending the disarmament conference at Geneva.

I also wish to announce that the senior Senator from Alabama [Mr. BLACK] is necessarily out of the city.

I desire also to announce that the junior Senator from South Carolina [Mr. BYRNES] is detained from the Senate by reason of a death in his family.

Mr. BROOKHART. I wish to announce that the Senator from South Dakota [Mr. NORBECK], the Senator from Connecticut [Mr. WALCOTT], the Senator from Michigan [Mr. COUZENS], the Senator from Wyoming [Mr. CAREY], the Senator from Florida [Mr. FLETCHER], and the Senator from Virginia [Mr. GLASS] are detained in a meeting of the Committee on Banking and Currency.

The VICE PRESIDENT. Sixty-seven Senators have answered to their names. A quorum is present.

### CHILD WELFARE—ADDRESS BY DR. RAY LYMAN WILBUR

Mr. SMOOT. Mr. President, in the RECORD of May 18 the Senator from Colorado [Mr. COSTIGAN] had inserted what purported to be excerpts from a speech by Secretary of the Interior Wilbur before the annual meeting of the National Conference of Social Work, Philadelphia, Pa., Monday, May 16, 1924. I ask now that the speech as it was actually delivered may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The speech is as follows:

### CHILDREN IN NATIONAL EMERGENCIES

The most hopeful and outstanding quality of our present generation is that it has become child conscious. Who except the mothers worried about the children during the campaigns of Julius Caesar or the Thirty Years' War or during the Napoleonic era? Individuals and nations have passed through many a crisis in the forward march of civilization. The importance of childhood was dramatized by the Commission for Relief in Belgium and the American Relief Administration. This came at a time when we were thinking in new terms. Medicine and science had brought new opportunities for the saving of lives. In our own